

ROANOKE CITY COUNCIL REGULAR SESSION

MAY 15, 2006 2:00 P.M.

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call.

The Invocation will be delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's Council meeting will be replayed on Channel 3 on Thursday, May 18, 2006, at 7:00 p.m., and Saturday, May 20, 2006, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE WEDNESDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853–2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEVA.GOV. CLICK ON THE SERVICE ICON, CLICK ON COUNCIL AGENDAS TO ACCESS THE APPROPRIATE AGENDA AND COUNCIL MEETING. IF ADOBE ACROBAT IS NOT AVAILABLE, A PROMPT WILL APPEAR TO DOWNLOAD PRIOR TO VIEWING AGENDA INFORMATION.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT www.roanokeva.gov, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGEMENTS:

A Resolution memorializing the late Honorable A. Victor (Vic) Thomas, a Roanoke native and longtime Delegate to the Virginia General Assembly.

Proclamation declaring May 14 - 20, 2006, as Emergency Medical Services Week.

P 11

Proclamation declaring May 14 - 20, 2006 as National Police Week, and Monday, May 15, 2006, as Peace Officers' Memorial Day.

P 12

Proclamation declaring May 21 - 27, 2006 as National Public Works Week.

P 13

3. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1 Minutes of the regular meeting of Council held on Monday, April 3, 2006.

RECOMMENDED ACTION: Dispense with the reading of the minutes

and approve as recorded.

C-2 A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended.

P 14

RECOMMENDED ACTION: Concur in the request.

C-3 A communication from Council Member Alfred T. Dowe, Jr., Chair, City Council's Personnel Committee, requesting that Council convene in a Closed Meeting to discuss the annual performance of three Council-Appointed Officers, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended.

P 15

RECOMMENDED ACTION: Concur in the request.

C-4 A communication from the City Attorney requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended.

P 16

RECOMMENDED ACTION: Concur in the request.

C-5 A communication from S. James Sikkema, Executive Director, Blue Ridge Behavioral Healthcare, recommending concurrence in the appointment of Daniel E. Karnes as a member at-large, to fill the unexpired term of John M. Hudgins, Jr., resigned, ending December 31, 2006, and a three-year term beginning January 1, 2007 and ending December 31, 2009.

RECOMMENDED ACTION: Concur in the request.

C-6 A communication from Carl T. Tinsley, Sr., Secretary, Roanoke City[Electoral Board, transmitting an Abstract of Votes cast in the General Election held in the City of Roanoke on May 2, 2006.

RECOMMENDED ACTION: Receive and file.

C-7 Qualification of the following persons:

> Evelyn W. Manetta as a member of the Parks and Recreation Advisory Board, to fill the unexpired term of James C. Hale, ending March 31, 2009; and

> Charles R. Shaver as an alternate member of the Local Board of Building Code Appeals.

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS:

A communication from Mayor C. Nelson Harris with regard to the P 19; a. demolition of Victory Stadium.

R 21

b. Recommendation of the Clerk of Circuit Court for acceptance of Compensation Board Trust Funds, in the amount of \$26,360.00; and a communication from the City Manager concurring in the recommendation.

P 22: B/O 25

6. REPORTS OF OFFICERS:

CITY MANAGER: a.

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

Appropriation of \$1,997,100.00 for the Martin Luther King, Jr., 1. Memorial Bridge project.

P 26: B/O 28

2. Execution of a Performance Agreement for an Economic Development Grant between the City of Roanoke, Valley View Mall, LLC, and the Industrial Development Authority.

P 29; O 48

Execution of renewal of a Downtown Service District Agreement | P 50; 3. between the City of Roanoke and Downtown Roanoke, Inc.

R 54

4. Transfer of \$578,841.00 in connection with recommendations of the Human Services Advisory Board to various non-profit agencies and performance audits for fiscal year 2006-2007.

P 55; B/O 58; R 60

5. Transfer of \$348,077.00 in connection with recommendations of the Roanoke Arts Commission Agency Funding Advisory Committee to specific Art Commission agencies.

P 62: B/O 65

6. Appropriation of funds in connection with the Virginia Department of Transportation Six-Year Improvement Program.

P 66: B/O 68

7. REPORTS OF COMMITTEES:

a. Request of the Roanoke City School Board for appropriation of \$2 million in Virginia Literary Funds for improvements and upgrades at Monterey Elementary School; and a report of the Director of Finance recommending that Council concur in the request. Kenneth F. Mundy, Executive Director of Fiscal Services, Spokesperson.

P 69: B/O 71 b. Request of the Roanoke City School Board for appropriation of \$12,000.00 for the William Fleming High School Ninth Grade Transition Grant and \$2,912.00 for the 2006 Advanced Placement (AP) Fee Payment Program; and a report of the Director of Finance recommending that Council concur in the request. Kenneth F. Mundy, Executive Director of Fiscal Services, Spokesperson.

P 72; B/O 75

- 8. UNFINISHED BUSINESS: NONE.
- 9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- Inquiries and/or comments by the Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

12. CITY MANAGER COMMENTS:

CERTIFICATION OF CLOSED SESSION.



ROANOKE CITY COUNCIL REGULAR SESSION

MAY 15, 2006 7:00 P.M.

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call.

The Invocation will be delivered by Vice-Mayor Beverly T. Fitzpatrick, Jr.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

NOTICE:

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A. PUBLIC HEARINGS:

1. Request of Highland Park United Methodist Church that a portion of property located at 702 Ferdinand Avenue, S. W., identified as Official Tax No. 1120908, and an adjoining parcel of land identified as Official Tax No. 1120909, be rezoned from IN, Institutional District, to RM-1, Residential Mixed Density District, to allow for single family residential housing. Edward A. Natt, Attorney.

P 76; O 86

2. Request of Pheasant Ridge Land Investors, LLC, to repeal and replace proffered conditions on a 4.09-acre property located on Pheasant Ridge Road, S. W., identified as Official Tax No. 5460129, such new proffers relating to a new development plan for the subject property to construct one additional multifamily structure. Hunter D. Smith, Vice Manager, Pheasant Ridge Real Estate Holdings, LLC, Spokesperson.

P 88; O 103

3. Request of Commonwealth Coach and Trolley Museum, Inc., a non-profit organization, for exemption from taxation of certain personal property located in the City of Roanoke. Darlene L. Burcham, City Manager; and Beverly T. Fitzpatrick, Jr., President, Commonwealth Coach and Trolley Museum, Inc., Spokespersons.

P 105; O 108

4. Request of Norfolk and Western Historical Society, Inc., a non-profit organization, for tax exempt status of certain real property located at 2101 Salem Avenue, S. W. Darlene L. Burcham, City Manager; and Bill McClung, President, Norfolk and Western Historical Society, Inc., Spokespersons.

P 110; t O 112

5. Proposal of the Jacquot Corporation to purchase three parcels of Cityowned property located at the intersection of Wells Avenue and Gainsboro Road, N. W., identified as Official Tax Nos. 2012715, 2012716 and 2012717.

P 115; O 118

B. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

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IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION memorializing the late A. Victor (Vic) Thomas, a native of Roanoke and longtime delegate to the Virginia General Assembly.

WHEREAS, the members of Council learned with sorrow of the passing of Mr. Thomas on Wednesday, April 26, 2006;

WHEREAS, Mr. Thomas, the grandson of Lebanese immigrants, was a native of Roanoke and graduated from Jefferson High School;

WHEREAS, during his service with the United States Army from 1947-1948, Mr. Thomas was assigned to the Panama Canal Zone;

WHEREAS, Mr. Thomas was owner and operator of E.J. Thomas Market in Roanoke for 52 years;

WHEREAS, Mr. Thomas was active in the Roanoke community through St. Andrews Catholic Church, the Roanoke Regional Chamber of Commerce, the Civitan Club, the American Legion, and Woodmen of the World;

WHEREAS, Mr. Thomas was first elected to the Virginia House of Delegates in 1973, representing the 17th House District, which includes the counties of Botetourt and Roanoke, and the city of Roanoke;

WHEREAS, as a Delegate, Mr. Thomas served on the Conservation and Natural Resources Committee (chair 1980-2001), the Appropriations Committee, the Militia and Police Committee, the Rules Committee, the Privileges and Elections Committee, and as a House Budget conferee in 2002 and 2003;

WHEREAS, Mr. Thomas was instrumental in the passage of legislation that addressed funding for the Department of Game and Inland Fisheries to benefit wildlife-related recreational opportunities for hunters, anglers, and wildlife enthusiasts;

WHEREAS, over the years, Mr. Thomas played a monumental role in helping to conserve and protect Virginia's rich hunting and fishing heritage for all sportsmen and women across the Old Dominion;

WHEREAS, throughout his legislative career, Mr. Thomas was a strong supporter of Roanoke institutions, including the Roanoke Valley Graduate Center and the Roanoke Higher Education Center, Center in the Square and its museums, the Virginia Transportation Museum, Mill Mountain Zoo, and the Roanoke Valley Greenways;

WHEREAS, Mr. Thomas retired from the General Assembly after the 2003 session after 30 years of service and, at the time of his retirement, was senior Democrat in the House;

WHEREAS, in 2003, Mr. Thomas closed the E.J. Thomas Market on Orange Avenue and entered full retirement.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

- City Council adopts this resolution as a means of recording its deepest regret and sorrow at the passing of A. Victor (Vic) Thomas, and extends to his family its sincerest condolences.
- The City Clerk is directed to forward an attested copy of this resolution to
 Mr. Thomas's widow, Dorothy (Dot) Lucas Thomas, of Roanoke, Virginia.

ATTEST:

City Clerk



WHEREAS, Emergency Medical Services is a vital public service; and

WHEREAS, members of emergency medical services teams are ready to provide lifesaving care to those in need, 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those persons who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency murses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

WHEREAS, emergency medical service teams engage in thousands of hours of specialized training and continuing education to enhance lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

WHEREAS, Roanoke Fire-EMS is joined by other concerned citizens of Roanoke, as well as other emergency service providers and safety advocates, businesses, schools, service clubs and organizations in their safety efforts.

NOW, THEREFORE, I, C. Nelson Harris, Mayor of the City of Roanoke, Virginia, in recognition of the outstanding services performed by these individuals, do hereby proclaim the week of May 14-20, 2006, throughout this great All-America City, as

EMERGENCY MEDICAL SERVICES WEEK.

Given under our hands and the Seal of the City of Roanoke this fourteenth day of May in the year two thousand and six.

ATTEST.

Mary F. Parker City Clerk

C. Nelson Harris Mayor



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Office of the Mayor

CITY OF



ROANOKE

roclamation

WHEREAS, the Congress and the President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week of May 15 as National Police Week; and

WHEREAS, Members of the Roanoke Police Department play an essential role in safeguarding the rights and freedoms of the citizens of Roanoke; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency; and,

WHEREAS, the men and women of the Roanoke Police Department provide a vital public service.

NOW, THEREFORE, I, C. Nelson Harris, Mayor of the City of Roanoke, Virginia, encourage all citizens to join in remembering fallen officers and commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enduring reputation for preserving the rights and security of all citizens, and do hereby proclaim May 14 – 20, 2006, throughout this great All-America City, as

NATIONAL POLICE WEEK

and, Monday, May 15, 2006, in particular, as

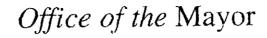
PEACE OFFICERS' MEMORIAL DAY.

Given under our hands and the Seal of the City of Roanoke this twelfth day of May in the year two thousand and six.

ATTEST:

Mary F. Parker City Clerk

C. Nelson Harris Mayor



CITY OF ROANOKE

roclamation

- WHEREAS, public works services provided by employees of the City of Roanoke to the community play an integral role in the everyday lives of our citizens; and
- WHEREAS, the support of an informed citizenry is vital to the efficient operation of the public works functions performed by the Department of Public Works and the Department of General Services; and
- WHEREAS, these functions include solid waste management, engineering, transportation, facilities management, custodial services and fleet management; and
- WHEREAS, the health, safety, comfort and quality of life for all citizens of the community greatly depends on public works functions; and
- WHEREAS, the dedication of the personnel who perform public works functions, twenty-four hours a day, seven days a week, is recognized and appreciated; and
- WHEREAS, the American Public Works Association has adopted this year's theme, "Public Works: The Heart of Every Community".

NOW, THEREFORE, I, C. Nelson Harris, Mayor of the City of Roanoke, Virginia, commend the dedicated efforts of staff of the Public Works and General Services departments, and do hereby proclaim May 21 – 27, 2006, throughout this great All-America City, as

NATIONAL PUBLIC WORKS WEEK.

Given under our hands and the Seal of the City of Roanoke this fifteenth day of May in the year two thousand and six.

Mary F. Parker City Clerk



C. Nelson Harris Mayor



CITY OF ROANOKE OFFICE OF THE MAYOR

215 CHURCH AVENUE, S.W., ROOM 452 ROANOKE, VIRGINIA 24011-1594 TELEPHONE: (540) 853-2444 FAX: (540) 853-1145

May 15, 2006

The Honorable Vice-Mayor and Members of the Roanoke City Council Roanoke, Virginia

Dear Members of Council:

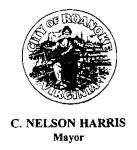
This is to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

C. Welson Harris

C. Nelson Harris Mayor

CNH:snh



CITY OF ROANOKE

CITY COUNCIL

215 Church Avenue, S.W.
Noel C. Taylor Municipal Building, Room 456
Roanoke, Virginia 24011-1536
Telephone: (540) 853-2541
Fax: (540) 853-1145

Council Members:
M. Rupert Cutler
Alfred T. Dowe, Jr.
Beverly T. Fitzpatrick, Jr.
Sherman P. Lea
Brenda L. McDaniel

Brian J. Wishneff

May 15, 2006

The Honorable Mayor and Members of the Roanoke City Council Roanoke, Virginia

Dear Mayor Harris and Members of Council:

I wish to request a Closed Meeting to discuss the performance of three Council-Appointed Officers, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely

Alfred T Dowe, Jr., Chair

City Council Personnel Committee

ATDjr:sm



WILLIAM M. HACKWORTH CITY ATTORNEY

CITY OF ROANOKE

OFFICE OF CITY ATTORNEY
464 MUNICIPAL BUILDING
215 CHURCH AVENUE, SW
ROANOKE, VIRGINIA 24011-1595

TELEPHONE: 540-853-2431 FAX: 540-853-1221 EMAIL: cityatty@roanokeva.gov

May 15, 2006

TIMOTHY R. SPENCER STEVEN J. TALEVI GARY E. TEGENKAMP DAVID L. COLLINS HEATHER P. FERGUSON ASSISTANT CITY ATTORNEYS

The Honorable Mayor and Members of City Council Roanoke, Virginia

Re: Request for closed meeting

Dear Mayor Harris and Council Members:

This is to request that City Council convene a closed meeting to discuss the acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to §2.2-3711.A.3, of the Code of Virginia (1950), as amended.

Sincerely,

William M. Hackworth

William M. Harry worth

City Attorney

WMH/lsc

c: Darlene L. Burcham, City Manager Jesse A. Hall, Director of Finance

Mary F. Parker, City Clerk



Carole Beat Geiger, Ph.D. Chelman Rita J. Glinlecki Vice Chelman Sheri Bernath Treasurer Joan A. Nelson Secretary

Executive Director S. James Sikkerna, LCSW

April 7, 2006

Ms. Dariene L. Burcham City Manager City of Roanoke 215 Church Avenue, SW Roanoke, VA 24011

Dear Ms. Burcham:

At its regularly scheduled meeting on April 6, 2006, the Board of Directors of Blue Ridge Behavioral Healthcare voted unanimously to nominate Daniel E. Karnes, MSW, MPA, to fill the board member at-large vacancy that occurred upon the resignation of John Hudgins. The unexpired term Mr. Karnes would complete runs until 12/31/06. His first full three-year term would run from January 2007 through December 2009. This letter is our request that Roanoke City Council appoint our nominee by ratification.

Mr. Karnes is a long-time resident of the City of Roanoke. He offers vast experience in human services, having worked as a licensed clinical social worker with the Department of Veterans Affairs for many years. Currently he sits on the State Mental Health, Mental Retardation, and Substance Abuse Board. His distinguished military career and membership in numerous civic and professional associations have provided him with the kinds of experiences that are desirable in board members.

Because our by-laws require at-large appointments to be ratified by all member jurisdictions of the CSB, this request is being sent simultaneously to our other four local governing bodies for their ratification as well.

Sincerely,

S. James Sikkeme Executive Director

C: The Honorable C. Nelson Harris, Mayor Mary F. Parker, City Clerk Daniel E. Karnes 3422 Windsor Road, SW Roanoke, VA 24018

____ , Virginia, cast in the City of ROANOKE at the May 2, 2006 General Election, for:

MEMBER CITY COUNCIL

AT	LARGE			
ENTER AT LARGE OR	APPROPRIATE	DISTRICT OR	WARD	NAME

	ENTER AT LARGE OR APPROPRIATE DISTRICT OR WA	
Names of Candida	TES AS SHOWN ON BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
David A. B	owers	4,710
J. Granger	Macfarlane	4,761
William "B	ill" White, Sr.	3,969
Mark C. Mc	Connel	4,341
Stuart H.	Revercomb	4,270
Carl D. Co	oper	502
Alfred T.	Dowe, Jr.	5,542
Bill C. Lo	ckard	396
Gwen W. Ma	son	5,822
David B. T	rinkle	5,871
Total Write-Ins	Notes + Invalid Write-Ins = Total Write-In Votes].	67
Circuit Court of the election Votes cast at said election	ctoral Board, upon examination of the official in held on May 2, 2006, do hereby certify that the and do, therefore, determine and declare that ast for the above office in said election.	e above is a true and correct Abstract of
David B. Trinkle	Gwen W. Mason	Alfred T. Dowe, Jr.
Given under our hands this A copy teste:	<u>3rd</u> day of May, 2006.	
	Hoys A. A.	Chairman, Chairman
Villa on the line	Den Mark	, Vice Chairman
Maria Maria	(ore 33	Secretary, Secretary
	Land Jus	Secretary, Electoral Board



CITY OF ROANOKE OFFICE OF THE MAYOR

215 CHURCH AVENUE, S.W., ROOM 452 ROANOKE, VIRGINIA 24011-1594 TELEPHONE: (540) 853-2444 FAX: (540) 853-1145

May 8, 2006

Honorable Beverly T. Fitzpatrick, Vice-Mayor Honorable Sherman P. Lea, Council Member Honorable Brian J. Wishneff, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Brenda L. McDaniel, Council Member

Dear Members of City Council:

Subject: Demolition of Victory Stadium

On March 6, 2006, City Council authorized, by Ordinance No. 37316-030606, the appropriation of \$4.1 million for the Patrick Henry High School Stadium Project from the Stadium-Amphitheater account. On April 17, 2006, City Council authorized, by Ordinance No. 37363-041706, the appropriation of \$4.1 million for the William Fleming High School Stadium Project from the Stadium-Amphitheater account. Since its dedication on November 26, 1942, to the mid 1980's, Victory Stadium has served the City well; however, the location, age and present condition of Victory Stadium, as well as the loss of its major tenant, high school football, does not merit the investment of additional public funds in its ongoing maintenance. Accordingly, I am recommending that Council authorize the City Manager to take all appropriate steps to demolish Victory Stadium. Currently there are funds available in the Stadium-Amphitheater Project account to cover the cost of such an activity.

For those individuals who desire a memento of the stadium, I recommend that a stockpile of brick from the structure be retained and up to four (4) bricks be made available to individual residents free of charge. To honor the contribution the stadium has made to the history of Roanoke, I would like City Council to direct that any future planned use for the existing stadium site include a memorial, composed of some of the original brick, reflecting the presence and significance of the stadium, as well as memorialize Coach Bob "Guts" McClelland for whom the playing field is named.

To facilitate this recommendation, I recommend the attached resolution directing the City Manager to take appropriate action to accomplish the above three activities.

Respectfully submitted, C. Nulson dassis

C. Nelson Harris

Mayor

Members of Roanoke City Council Re: Demolition of Victory Stadium May 8, 2006 Page 2

Enclosure

Pc: Darlene L. Burcham, City Manager

Mary F. Parker, City Clerk

William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance

Sherman M. Stovall, Director of Management and Budget

David B. Trinkle, Council Member-Elect Gwen W. Mason, Council Member-Elect MX

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION directing the City Manager to proceed with the demolition of Victory Stadium.

WHEREAS, since its dedication on November 26, 1942, Victory Stadium has served the City well, but due to its location, age, and present condition, Council does not desire to invest further public funds in its maintenance or renovation;

WHEREAS, Council has resolved to support the construction of a sports stadium at Patrick Henry High School and a sports stadium at William Fleming High School; and

WHEREAS, Council is desirous of proceeding with the demolition of Victory Stadium.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that the City Manager be, and hereby is, directed:

- 1. To proceed with the demolition of Victory Stadium, to execute any contracts or documents necessary to perform such work, and to take any related action necessary to perform such work and to dispose of demolition debris.
- 2. To make available to individual residents who request them, up to four (4) bricks free, as a memento.
- 3. To ensure that any future use of the stadium site includes a memorial, composed of some of the original brick from the stadium, reflecting the presence and significance of the stadium, as well as memorializing Coach Bob "Guts" McClelland for whom the playing field is named.

ATTEST:

City Clerk.

OFFICE OF CLERK OF CIRCUIT COURS

TWENTY-THIRD JUDICIAL CIRCUIT OF VIRGINIA

Criminal: (540) 853-6723 Civil: (540) 853-6702



CIRCUIT COURT OF THE CITY OF ROANOKE

315 Church Avenue, S.W. P.O. Box 2610 Roanoke, Virginia 24010

BRENDA S. HAMILTON CLERK

May 15, 2006

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: ACCEPTANCE OF TECHNOLOGY TRUST FUNDS

Background:

The Clerk of Circuit Court is responsible by statute, for the recordation of legal instruments. These instruments include: Land records, Marriage Licenses, Financing Statements, Assumed Names, Wills and other Probate Records, and Law, Chancery and Criminal Orders. There Records must be maintained and be available to the Public.

The Compensation Board through the Technology Trust Fund has made available funds to be allocated toward contractual obligations for those offices that have indicated funds were needed. The Circuit Court Clerk's Office, for the City of Roanoke has been allocated for reimbursement in the amount of \$26,360 for charges by the Supreme Court of Virginia and Sutton Information Systems. These charges were for equipment maintenance and scanning fees.

Considerations:

The acceptance of these funds is vital to the Circuit Court Clerk's Office meeting the year-end budget obligations.

Recommended Action:

Accept funding from the Compensation Board Technology Trust Fund in the amount of \$26,360.

Honorable Mayor and Members of City Council May 15, 2006 Page 2

Adopt the accompanying budget ordinance to establish a revenue estimate in the amount of \$26,360 and appropriate funding in the same amount to an expenditure account to be established by the Director of Finance in the Grant Fund.

The funds should be applied to the following budget ordinances:

035-120-5151-2005 for \$21,300 035-120-5151-9005 for \$5,060

Respectfully submitted,

red S. Hamilton

Brenda S. Hamilton, Clerk of Circuit Court

BSH:csf

c: Darlene L. Burcham, City Manager William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138

City Web: www.roanokeva.gov

May 15, 2006

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Acceptance Of

Technology Trust Funds CO06-0003

I concur with the recommendation from Brenda S. Hamilton, Clerk of Circuit Court, for the City of Roanoke, with respect to the subject reference above and recommend that City Council adopt accept funding from the Compensation Board Technology Trust Fund in the amount of \$26,360. Also adopt the accompanying budget ordinance to establish a revenue estimate in the amount of \$26,360 and appropriate funding in the same amount to an expenditure account to be established by the Director of Finance in the Grant Fund.

Sincerely,

Darlene L. B#rcham

City Manager

DLB:sm

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding from the Commonwealth of Virginia through the Technology Trust Fund for the improvement of operations in the Office of Circuit Court Clerk, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2005-2006 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

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Maintenance Contracts	035-120-5151-2005	\$ 21,300
Furniture & Equipment > \$5,000	035-120-5151-9005	5,060

Revenues

Comp Board Tech Trust Fund FY06 035-120-5151-5151 26,360

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 City Web: www.roanokeva.gov

May 15, 2006

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Appropriation of Federal Funds for

the MLK Jr., Memorial Bridge

Background:

The City of Roanoke has received bids for the renovation of the Martin Luther King Jr., Memorial Bridge in accordance with the direction provided by City Council. At the April 3, 2006, City Council briefing, Council supported the use of Virginia Department of Transportation Urban Allocation Funds for the Project. The Virginia Department of Transportation's current Six Year Improvement Program identifies Federal Omnibus funds in the amount of \$497,100 for the Bridge. Staff has coordinated with VDOT staff to allocate an additional \$1,500,000 in Urban Allocation funds to the project. These funds were originally intended for the Wonju Street project but are no longer needed due to a reduction in project scope.

Recommended Action:

Adopt the accompanying budget ordinance to appropriate funds in the total amount of \$1,997,100 to the Martin Luther King Jr., Memorial Bridge account. The budget ordinance will also establish revenue estimates for the project.

Mayor Harris and Members City Council May 15, 2006 Page 2

The sources of these funds are \$497,100 from the Federal Omnibus funds (008-052-9574-9002) and \$1,500,000 (008-052-9574-9007) from the Virginia Department of Transportation Urban Allocation to the City of Roanoke.

Respectfully submitted,

Darlene L. Burgham

City Manager /

DLB/PCS/dps

c: William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk
Sherman M. Stovall, Director of Management & Budget
Robert K. Bengtson, PE, Director of Public Works
Mark D. Jamison, PE, City Traffic Engineer

CM06-0084

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate federal and state funds for the Martin Luther King Jr. Memorial Bridge Project, amending and reordaining certain sections of the 2005-2006 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2005-2006 Capital Projects Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations		
Appropriated from Federal Grant Funds	008-052-9574-9002	\$ 497,100
Appropriated from State Grant Funds	008-052-9574-9007	1,500,000
Revenues		
MLK Jr. Memorial Bridge-Federal Grant	008-530-9574-9926	497,100
MLK Jr. Memorial Bridge-State Grant	008-530-9574-9927	1,500,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 City Web: www.roanokeva.gov May 15, 2006

Honorable C. Nelson Harris, Mayor Honorable Beverly Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Performance Agreement for an Economic Development Grant: Valley View Mall. LLC

The City and Valley View Mall, LLC (VVM), the developer of property at Valley View Mall to be known as The District at Valley View, have negotiated an annual Economic Development Grant Performance Agreement. The Economic Development Grant will be funded by the City, but issued and administered through the Industrial Development Authority of the City of Roanoke, Virginia (IDA). Such grant would assist in the demolition of structures and parking areas, upgrades to the storm water runoff system, and realignment of electrical lines and other related utilities to the site. VVM will then construct a lifestyle center consisting of several buildings along with a larger structure attached to the existing Valley View Mall. The project will provide additional tax revenue, jobs, and services to and benefit the citizens of the City and the Roanoke Valley in addition to being an economic benefit to the City.

Consideration:

The proposed Agreement outlines the obligations of VVM in order to qualify for and receive the grant. A copy of the proposed Agreement is attached to this report. Some of the main provisions provide VVM must complete the demolition of certain items within 12 months after the date of the Agreement. Construction of new buildings with at least six new retail establishments open to the public for business within 18 months after the date of the Agreement is also required. VVM will have spent or caused to have been spent at least \$17.4 million on the development of the Project, including \$1 million on the demolition and related

Mayor Harris and Members of City Council Page 2 May 15, 2006

infrastructure improvements and enhancements within 24 months after the date of the Agreement.

After the retail stores are opened, VVM can make up to five (5) annual grant requests to the IDA under certain conditions. The various tax revenues, as listed in the Agreement, the City actually receives from the Property or Project must exceed \$550,000 for the preceding grant year. If so, VVM may make a grant request to the IDA for up to an amount equal to 50% of the amount of revenue the City actually received during the preceding grant year, subject to certain other provisions as set forth in the Agreement. However, the maximum amount of all grant funds VVM may receive shall not exceed \$1 million.

The Agreement requires VVM to provide the City and the IDA appropriate supporting documentation for each grant request. Funding for each annual grant request will be subject to appropriation by the City Council to the IDA. No funding will be required during the upcoming fiscal year.

Recommended Action:

Approve the terms of the Performance Agreement among the City, VVM, and the IDA, as set forth in the attachment to this report, and determine such grant will promote economic development within the City.

Authorize the City Manager to execute a Performance Agreement among the City, VVM, and the IDA, substantially similar to the one attached to this report, and to execute such other documents and take such further action as may be necessary to implement and administer such Performance Agreement, with the form of such Agreement to be approved by the City Attorney.

Respectfully submitted,

Darlene L. Burtham City Manager

Attachments

c: William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance Mary F. Parker, City Clerk Mayor Harris and Members of City Council Page 3 May 15, 2006

> Rolanda Russell, Assistant City Manager for Community Development Brian Townsend, Director, Planning Building & Economic Development James F. Douthat, Attorney, Woods, Rogers Dennis Cronk, Chairman, Industrial Development Authority Harwell M. Darby, Attorney, Industrial Development Authority

> > CM06-00077

VALLEY VIEW MALL, LLC PERFORMANCE AGREEMENT

This Performance Agreement (Agreement) is dated _______, 2006, by and among the City of Roanoke, Virginia, a municipal corporation (City), Valley View Mall, LLC, a Virginia Limited Liability Company (VVM), and the Industrial Development Authority of the City of Roanoke, Virginia, an industrial development authority organized and existing under the laws of the Commonwealth of Virginia (IDA),

WITNESSETH:

WHEREAS, VVM has proposed a development of certain property located along the Ring Road, consisting of resubdivided tax map number 2370107 and a certain parcel of property outside such tax map number and which are described below in Exhibits A and A-1 respectively, (Property), on which VVM will construct buildings for at least six retail establishments (Facility);

WHEREAS, the City recognizes the development of the Property will require significant cost for building and site demolition and infrastructure relocation to attract substantial retail activity;

WHEREAS, VVM intends to develop the Property by reconstructing on-site infrastructure, developing commercial sites, and by leasing such sites to well-known retail establishments, together with associated infrastructure, for businesses on the Property (Project). A drawing showing the Property and the Project is attached hereto and made a part hereof as Exhibit A, together with a description of the parcel of property outside resubdivided tax map number 2370107, which description is attached hereto and made a part hereof as Exhibit A-1;

WHEREAS, VVM has indicated such Project will allow for a significant investment to be made in the Project area;

WHEREAS, VVM has requested economic development grants through the IDA to assist in the cost of demolition and other site infrastructure, but not for the Facility;

WHEREAS, the City and the IDA desire that the Project proceed and have determined such Project will promote economic development within the City and within the Roanoke Valley. Such Project will provide additional tax revenue and services to benefit the citizens of the City and the Roanoke Valley;

WHEREAS, the IDA, based on the undertakings of VVM, has determined to make an annual economic development grant for a specified period to VVM from funds to be provided to the IDA by the City, all in accordance with the terms of this Agreement; and

WHEREAS, the parties wish to reduce to writing the understanding of the parties concerning this matter.

NOW, THEREFORE, the parties, in consideration of the promises and obligations contained herein, mutually agree as follows:

SECTION 1. IDA ECONOMIC DEVELOPMENT GRANT.

Subject to the terms of this Agreement, the IDA will make up to 5 annual Economic Development Grants (Grant), the total of which shall not exceed \$1,000,000.00 to VVM in order to assist with the demolition and development of the infrastructure for the Project for the purposes of promoting economic development in the City and the Roanoke Valley. The IDA's obligations hereunder are not general obligations of the IDA, but are special obligations of the IDA limited to those funds which are provided by the City and received by the IDA under the terms set forth herein.

SECTION 2. OBLIGATIONS OF VVM.

VVM agrees and promises that in order to qualify to receive and to continue to receive the Grant for each grant year (as defined in this Agreement), VVM will do or provide each of the following:

- A. Within 12 months after the date of this Agreement, complete the demolition of an existing building (the former theatre), parking lot, and other infrastructure, and will further complete construction of new buildings for at least six new retail establishments and all of those six establishments will be opened to the public for business within 18 months after the date of this Agreement. Furthermore, all of these requirements will take place on the Property and will be developed and constructed in substantial conformity with the drawings on Exhibit A.
- B. VVM shall enter into 5 year or longer base leases with at least six retail establishments to operate such retail establishments on the Property. VVM will provide sufficient documentation to the City and IDA of such lease agreements within 18 months after the date of this Agreement. Such documentation shall consist of a copy of the lease or a certificate from the president or vice-president of the Lessee stating that such Lessee has committed to lease the retail establishment for at least 5 years or longer, and such other documents as the City and IDA may reasonably request to confirm such commitment.
- C. 1. Within 24 months after the date of this Agreement, VVM will have spent or caused to have been spent at least \$17,400,000.00 on the items shown on Exhibit B, which is attached hereto and made a part hereof, for the development of the Project as contemplated and shown on Exhibit A. The \$17,400,000.00 will also include the cost of the items shown on Exhibit C, which is attached hereto and made a part hereof, together with architectural, engineering and legal fees related thereto and all permits, licenses, water and sewer impact fees and off site improvements directly required for the development. Either the IDA or the City may request VVM in writing for documentation of the

expenditure of the \$17,400,000.00 and, if so, VVM will provide such documentation (in the same manner as described in Section 2 (C)(2) below) within 30 days of any such written request. However, VVM will provide the City and the IDA with summary sheets for these expenditures at 12 month intervals from the date of this Agreement.

- 2. As part of the \$17,400,000.00 expenditure, the amount of \$1,000,000.00 must be spent or caused to have been spent by VVM for the items set forth in Exhibit C. VVM shall provide verification of the expenditures for such items, and their related costs, referenced in Exhibit C by submitting a summary sheet of all extraordinary costs that have been incurred and paid by or on behalf of VVM together with invoices, statements and/or other documents and information to evidence the expenditures incurred and as listed on Exhibit C, and all such items shall be labeled and organized so as to identify what item on the summary sheet, unless otherwise agreed to by the City and the IDA. Such information shall be provided at 12 month intervals from the date of this Agreement.
- 3. Verification of expenditures submitted by VVM shall be sufficient to allow the IDA and the City to determine if VVM has met the expenditure requirements of Exhibit C and, if requested Exhibit B. If the information submitted by VVM for verification of the expenditures set out in either Exhibit B or C is not sufficient to evidence such expenditure, either the IDA or the City may request further documentation, which will be provided by VVM within 30 days of receipt of the request for further documentation. All of the documents or information produced by VVM to verify such costs or expenditures shall be provided to the City and the IDA without cost or charge to either the City or the IDA.
- 4. Although specific items listed in Exhibit B and Exhibit C will have an estimated cost, as long as the total expenditures for the items set forth in Exhibit B amount to \$17,400,000.00 or more, and the total expenditures for the items set forth in Exhibit C amount to \$1,000,000.00 or more, the required expenditures by VVM for each respective Exhibit will have been met.
- D. VVM will file all appropriate and applicable real estate tax and other tax forms or notices with the City, ensure it has received assessments from the City for such taxes, and VVM will have paid all such taxes to the City and not claimed any exemptions from real estate taxes or other taxes for any periods of time for which Grant funds are requested. VVM will also try to ensure any occupants of any retail buildings developed under this Agreement file and pay all applicable taxes and fees to the City.

SECTION 3. ECONOMIC DEVELOPMENT GRANT.

Subject to the conditions as set forth in this Agreement, the IDA will provide certain Grant funds, limited to those funds which are received by the IDA from the City, as set forth below, to VVM, in order to assist with the development of the property shown as resubdivided tax map number 2370107 (Exhibit A) and the parcel of property described in Exhibit A-1 and associated infrastructure as follows:

- A. At the option of VVM, it may request a yearly Grant for (i) the grant year starting as of July 1, prior to the date the Facility opens to the public (which will be a short year) or (ii) the grant year after the Facility opens to the public, provided VVM must submit a request to the IDA each year for such a Grant and provide the IDA sufficient documentation as to VVM's compliance with this Agreement. For purposes of this Agreement, a "grant year" means July 1 through June 30 (for example, if the Facility opens on November 15, 2006, VVM may select as the first grant year the period beginning (i) July 1, 2006, to June 30, 2007, or (ii) July 1, 2007, to June 30, 2008).
- Such Grant may be requested for a maximum of 5 consecutive years, which В. will include the first Grant request. Furthermore, if no Grant request is made for the grant year mentioned above, such 5 consecutive year period shall be deemed to start to run from the grant year after the Facility opens and end 5 years thereafter. The 5 year period continues to run whether or not a Grant request is made and/or a Grant is provided for any particular year. All Grant requests must be submitted to the IDA between the period of September 1 and December 1, for the preceding grant year or no Grant will be considered or given for that particular year. For example, if VVM wants to make a request for the grant year of July 1, 2006, to June 30, 2007, VVM must do so between September 1, 2007, and December 1, 2007. Also, in such an example the 5 consecutive years for which a grant could be requested would be July 1, 2006, through June 30, 2011. The City will cooperate with VVM by providing public information relevant to tax revenue received from the Property or the Project.
- C. Subject to the provisions of this Agreement, the amount of each Grant request can only be up to an amount equal to 50% of the amount of revenue the City actually received during the preceding grant year only from the property shown as resubdivided tax map number 2370107 (Exhibit A) and the parcel of property described in Exhibit A-1, the buildings located thereon, and any taxes as listed herein directly related to any businesses conducted only within the area shown as resubdivided tax map number 2370107 (Exhibit A) and the parcel of property described in Exhibit A-1, subject to the limit set forth herein, directly resulting from the Project and coming from real estate taxes, the City's portion of general sales tax (currently the local option is 1%), professional and occupational license tax, tangible personal property tax (inclusive of tangible property used in business), and prepared food and beverage tax. Any new local tax or

increase in the rate of any of the aforementioned taxes for the purpose of dedicating the incremental revenue for a specific project or purpose shall be excluded from such amount of tax revenue resulting from the Property or Project. In no event shall any request be made or granted if the above total revenue for any specific grant year is less than \$550,000.00. Furthermore, there shall be no carryover from one grant year to the next for any funds from the prior year or years or for purposes of determining the revenue of any grant year. Each grant year must be looked at separately to see if the requirements for a Grant request have been met.

- D. The maximum amount of all Grant funds VVM may receive under this Agreement shall in no event exceed the total of \$1,000,000.00. Once this maximum amount is paid to VVM, VVM may not make any further Grant requests and no further Grant requests will be considered and no further Grant funds will be provided to VVM under this Agreement.
- E. By Way of Example only, assuming VVM has complied with its obligations under this Agreement, if the Facility opens on November 15, 2006, and VVM selects the short grant year, it would run from July 1, 2006, through June 30, 2007. If VVM wants to make a Grant request it must deliver such request to the IDA between September 1 and December 1, 2007. VVM must show that the total amount of revenue the City actually received from the taxes referred to in the Agreement for the period of July 1, 2006, through June 30, 2007, amounted to over \$550,000.00. Then the following examples would apply, with some of the examples modifying some of the assumptions:
 - 1. This example would apply for any grant year:

Total applicable revenue received by the City - \$532,000.00

Since this amount is below the \$550,000.00 minimum required by the Agreement, no Grant request should be made and no Grant request would be approved. However, this would be considered the first grant year of the total of 5 years for which a Grant request can be made.

2. This example would apply for any grant year:

Total applicable revenue received by the City - \$555,000.00

Since this amount is over the required \$550,000.00 minimum required by the Agreement, VVM could request a grant amount equal to 50% of the above amount of \$555,000.00, which would equal a \$277,500.00 Grant request.

SECTION 4. DISTRIBUTION OF GRANT FUNDS.

Upon VVM's compliance with the obligations set forth in this Agreement, VVM may request in writing that the IDA obtain and provide the Grant funds mentioned above in accordance with the terms of this Agreement. Such request must be accompanied by sufficient documentation to establish to the reasonable satisfaction of the IDA and the City VVM's compliance with the obligations set forth in this Agreement. Upon receipt of such request, and approval by the IDA (approved request), the IDA will forward the approved request to the City Manager and Director of Planning, Building, and Economic Development. The written Grant request(s) from VVM to the IDA will be on a form approved by the IDA's counsel, such approval not to be unreasonably withheld. The IDA may disapprove any request that does not comply with the terms of this Agreement or require that a revised request be submitted. After the IDA approves a request, the IDA will make a written request to the City for the distribution to the IDA of the City's appropriation of such funds. The City will process such approved request within 45 days of receipt thereof, subject to such funds being appropriated. The IDA will make any approved payments to VVM within 10 working days from the date of receipt of the funds from the City, provided, however, that the IDA has no liability in the event the City delays processing the IDA's requisition. The IDA's obligations shall be limited to those funds which the IDA shall receive from the City and shall not be a general obligation, but a special obligation of the IDA. Furthermore, no Grant requests may be made by VVM or considered by the IDA after December 1 of the end of the fifth grant year or after the payment of the maximum Grant amount to VVM, whichever occurs first.

SECTION 5. PAYMENT OF IDA'S FEES.

VVM promises and agrees it will pay all reasonable fees, costs, and expenses of the IDA in connection with this matter, including any action necessary to collect reimbursement hereunder or litigation of any type, all of which includes the reasonable fees of the IDA's counsel. Payment of such items shall not be made from any Grant funds. The IDA will submit statements to VVM for such items and VVM will pay such statements within 30 days after receipt.

SECTION 6. REPORTS TO THE IDA AND CITY.

During the term of this Agreement, VVM agrees to report to and provide the IDA and the City on a semi-annual basis, on or before June 30 and December 31 of each year, sufficient information related to VVM's compliance with the conditions of this Agreement and to provide appropriate documentation to support such compliance. These requirements are in addition to the other reports or times that maybe required by this Agreement. VVM also agrees to allow the City and/or its representative to inspect, audit, copy, or examine any of VVM's books, documents, or other relevant material in connection therewith upon written request by the IDA or the City. All such documents, information (including electronic data), or access shall be provided or made available within thirty (30) days of a written request from either the IDA or the City. VVM shall also retain its records on this matter for a period of 5 years after the completion and/or termination of this Agreement.

SECTION 7. COMPLIANCE WITH LAWS.

VVM agrees to comply with all applicable federal, state, and local laws, rules, and regulations.

SECTION 8. COOPERATION.

Each party agrees to cooperate with the other in a reasonable manner to carry out the intent and purpose of this Agreement.

SECTION 9. SEVERABILITY.

If any term of this Agreement is found to be void or invalid, such invalidity shall not affect the remaining terms of this Agreement, which will continue in full force and effect. The parties intend the remaining provisions of this Agreement be enforced to the fullest extent permitted by applicable law.

SECTION 10. AUTHORITY TO SIGN.

The persons who have executed this Agreement on behalf of the parties represent and warrant they are duly authorized to execute this Agreement on behalf of their respective entity.

SECTION 11. COUNTERPART COPIES.

This Agreement may be executed in any number of counterpart copies, each of which shall be deemed an original, but all of which together shall constitute a single instrument.

SECTION 12. SUCCESSORS.

The terms, conditions, provisions and undertakings of this Agreement shall be binding upon and inure to the benefit of each of the parties hereto and their respective successors and assigns.

SECTION 13. NONDISCRIMINATION.

- A. During the performance or term of this Agreement, VVM agrees as follows:
 - i. VVM will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of VVM. VVM agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

- ii. VVM in all solicitations or advertisements for employees placed by or on behalf of VVM will state VVM is an equal opportunity employer.
- iii. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.
- B. VVM will include the provisions of the foregoing Section A (i, ii, and iii) in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

SECTION 14. ASSIGNMENT.

VVM agrees not to assign or transfer any part of this Agreement without the prior written consent of the City and the IDA, which will not be unreasonably withheld, and any such assignment shall not relieve VVM from any of its obligations under this Agreement.

SECTION 15. INDEMNITY.

VVM agrees to indemnify and hold harmless the IDA, the City, and their officers, directors, and employees free and harmless for and from any and all claims, causes of action, damages or any liability of any type, including reasonable attorney's fees, on account of any claims by or any injury or damage to any persons or property growing out of or directly or indirectly resulting or arising in any way out of any actions, omissions, or activities of VVM or its agents, employees or representatives arising out of or connected in any way to any of the matters involved in this Agreement or any performance thereunder.

SECTION 16. FORUM SELECTION AND CHOICE OF LAW.

By virtue of entering into this Agreement, VVM agrees and submits itself to a court of competent jurisdiction in the City of Roanoke, Virginia, and further agrees this Agreement is controlled by the laws of the Commonwealth of Virginia, with the exception of Virginia's conflict of law provisions which shall not apply, and all claims, disputes and other matters shall be decided only by such court according to the laws of the Commonwealth of Virginia as aforesaid.

SECTION 17. NONWAIVER.

Each party agrees that any party's waiver or failure to enforce or require performance of any term or condition of this Agreement or any party's waiver of any particular breach of this Agreement by any other party extends to that instance only. Such waiver or failure is not and shall not be a waiver of any of the terms or conditions of this Agreement or a waiver of any other breaches of the Agreement by any party and does not bar the nondefaulting party from requiring the defaulting party to comply with all the terms and conditions of this Agreement and does not bar the nondefaulting party from asserting any

and all rights and/or remedies it has or might have against the defaulting party under this Agreement or by law.

SECTION 18. CAPTIONS AND HEADINGS.

The section captions and headings are for convenience and reference purposes and shall not affect in any way the meaning or interpretation of this Agreement.

SECTION 19. EASEMENTS.

VVM promises and agrees to grant and dedicate to the City and/or the Western Virginia Water Authority all reasonably necessary easements on VVM's Property for the construction of infrastructure improvements needed for or benefiting the Project or surrounding areas, including, but not limited to, storm drainage, sanitary sewers, and/or water, all at no cost to the City and/or the Western Virginia Water Authority.

SECTION 20. APPROPRIATION OF FUNDS.

All obligations or funding undertaken by the City or the IDA in connection with the Project or this Agreement are subject to the availability of funds and the appropriation of such funds by City Council as may be necessary for such obligations or funding.

SECTION 21. PERFORMANCE.

If VVM fails to substantially comply with any of the obligations of this Agreement as determined by the City in its sole discretion, VVM will not be entitled to be eligible for and/or receive and/or continue to be eligible for and/or receive any such Grants or Grant funds as referred to above or in this Agreement.

SECTION 22. NOTICES.

All notices hereunder must be in writing and shall be deemed validly given if sent by certified mail, return receipt requested or by a nationally recognized overnight courier, addressed as follows (or any other address the party to be notified may have designated to the sender by like notice):

If to City, to: City of Roanoke, City Manager

364 Noel C. Taylor Municipal Building

215 Church Avenue, SW Roanoke, Virginia 24011 Fax No. 540-853-1138

With a copy to: Director of Planning, Building and

Economic Development 111 Franklin Plaza, Suite 200 Roanoke, Virginia 24011 Fax No. 540-853-1213 If to IDA to: Chair, Industrial Development Authority

Of the City of Roanoke, Virginia c/o Harwell M. Darby, Jr., Esquire Glenn, Feldmann, Darby & Goodlatte

210 First Street, SE Roanoke, VA 24011 Fax No. 540-224-8050

With a copy to: Harwell M. Darby, Jr., Esquire

Glenn, Feldmann, Darby & Goodlatte

210 First Street, SE Roanoke, Virginia 24011 Fax No. 540-224-8050

If to VVM, to: Valley View Mall, LLC

Attn: Senior Vice President, General Counsel

2030 Hamilton Place Blvd

Suite 500

Chattanooga, TN 37421-6000 Fax No. 423-954-2996 and

General Manager

Valley View Mall, LLC 4802 Valley View Blvd, NW Roanoke, Virginia 24012-2001

Fax No. 540-366-8742

With a copy to: James F. Douthat, Esquire

Woods Rogers PLC

10 South Jefferson Street, Suite 1400

Roanoke, Virginia 24011 Fax No. 540-983-7711

Notice shall be deemed delivered upon the date of personal service, two days after deposit in the United States mail, or the day after delivery to a nationally recognized overnight courier.

SECTION 23. FAITH BASED ORGANIZATIONS.

Pursuant to Virginia Code Section 2.2-4343.1, be advised that the City does not discriminate against faith-based organizations.

SECTION 24. FORCE MAJEURE.

A delay in or failure of performance by any party shall not constitute a default, nor shall VVM, the City or IDA be held liable for loss or damage, or be in breach of this Agreement, if and to the extent that such delay, failure, loss, or damage is caused by an occurrence beyond the reasonable control of such party and its agents, employees, contractors, subcontractors and consultants, which results from Acts of God or the public

enemy, compliance with any order of or request of any governmental authority or person authorized to act therefore, acts of declared or undeclared war, public disorders, rebellion, sabotage, revolution, earthquake, floods, riots, strikes, labor or employment difficulties, delays in transportation, inability of party to obtain necessary materials or equipment or permits due to existing or future laws, rules, or regulations of governmental authorities or any other causes, whether direct or indirect, and which by the exercise of reasonable diligence said party is unable to prevent. For purposes of this Agreement any one delay caused by any such occurrence shall not be deemed to last longer than 6 months and all delays caused by any and all such occurrences under any circumstances shall not be deemed to last longer than a total of 9 months. Any party claiming a force majeure occurrence shall give the other parties written notice of the same within 30 days after the date such claiming party learns of or reasonably should have known of such occurrence, or any such claim of force majeure shall be deemed waived. Notwithstanding anything else set forth above, after a total of 9 months of delays or failure of performance of any type have been claimed as being subject to force majeure, no further delays or claims of any type shall be claimed as being subject to force majeure and/or being an excusable delay.

SECTION 25. ENTIRE AGREEMENT.

This Agreement constitutes the entire agreement of the parties and supersedes all prior agreements between the parties. No amendment to this Agreement shall be valid unless made in writing and signed by the appropriate parties.

IN WITNESS WHEREOF, the parties have executed this Performance Agreement by their authorized representatives.

WITNESS:	CITY OF ROANOKE		
City Clerk	Darlene L. Burcham, City Manager		
(SEAL)			
WITNESS:	Valley View Mall, LLC By: CBL & Associates Management, Inc.		
D' (1N 1 m'd)	By:		
Printed Name and Title	Printed Name and Title		
(SEAL)	Timed Name and Time		
WITNESS:	INDUSTRIAL DEVELOPMENT		
	AUTHORITY OF THE CITY OF		
	ROANOKE, VIRGINIA		
	By:		
, Secretary	Dennis R. Cronk, Chair		

Approved	as to Form	Approved as to Execution	
City Attor	•	City Attorney Date:	
11 1	ation and funds required		
Director of	<u></u>		
Date	Acct #		

EXHIBIT A TO AGREEMENT BETWEEN CITY OF ROANOKE AND VALLEY VIEW MALL, LLC

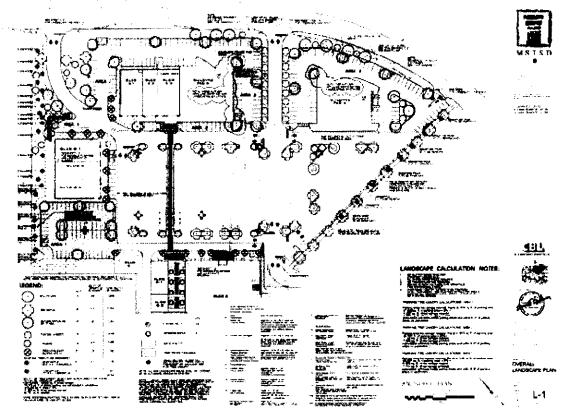


Exhibit A1 To Agreement between City of Roanoke and Valley View Mall, LLC

THAT PORTION OF TAX MAP NUMBER 2370108 DESCRIBED AS BELOW:

DEVELOPERS PARCEL: BEGINNING AT A POINT IDENTIFIED AS POINT NO. 140, WHICH POINT IS LOCATED ALONG A TIE LINE OF S 89°59'46" E, 945.23' CONCRETE MONUMENT WHICH IS LOCATED SOUTHWESTERLY MOST CORNER OF THAT TRACT CONVEYED TO THE CITY OF ROANOKE BY DEED IN DEED BOOK 1232 PAGE 75, IN THE CLERK'S OFFICE, WHICH CONCRETE MONUMENT IS SHOWN AS POINT NO. 18 ON THAT SURVEY RECORDED IN MAP BOOK 1 PAGE 300 IN THE CLERK'S OFFICE; THENCE S 03°55'38" E, 309.42' TO A POINT; THENCE S 66°04'38" W, 63.85' TO A POINT; THENCE S 03°55'38" E, 300.00' TO A POINT; THENCE S 41°04'22" W, 85.86' TO A POINT; THENCE S 48°55'38" E, 170.00' TO A POINT; THENCE N 41°04'22" E, 88.00' TO A POINT; THENCE S 68°55'00" E, 91.52' TO A POINT; THENCE S 48°55'38" E, 84.17' TO A POINT; THENCE S 41°04'22" W, 7.96' TO A POINT; THENCE S 48°55'38" E, 17.71' TO A POINT; THENCE S 41°04'22" W, 26.16' TO A POINT; THENCE S 48°55'38" E, 56.12' TO A POINT; THENCE N 41°04'22" E, 26.16' TO A POINT; THENCE S 48°55'38" E, 18.00' TO A POINT; THENCE S 41°04'22" W, 109.79' TO A POINT; THENCE S 48°55'38" E, 73.50' TO THE TRUE POINT AND PLACE OF BEGINNING; THENCE S 41°04'22" W, 60.08' TO A POINT; THENCE S 03°55'34" E, 26.16' TO A POINT; THENCE S 48°55'34" E, 48.50' TO A POINT; THENCE N 41°05'02" E, 24.00' TO A POINT: THENCE S 48°55'34" E, 69.00' TO A POINT: THENCE N 41°04'26" E, 8.14' TO A POINT; THENCE N 86°04'26" E, 24.11' TO A POINT; THENCE S 48°55'34" E, 4.59' TO A POINT; THENCE N 86°04'26" E, 9.00' TO A POINT; THENCE N 41°04'26" E, 138.22' TO A POINT; THENCE N 48°55'38" W, 164.00' TO A POINT: THENCE S 41°04'22" W, 115.20' TO THE TRUE POINT AND PLACE OF BEGINNING CONTAINING 0.659 ACRE 28,699 SQUARE FEET.

Exhibit B To Agreement Between City of Roanoke and Valley View Mall, LLC

Total Construction Costs

Barnes She	II	\$2,092,475
Sitework/Pa	ad Prep	4,025,370
•	Building Shells	1,813,000
	Building Shells @ Mall	501,500
Two Story L	ook Premium	636,000
Existing Ma	ll Shell & Finish Modifications	1,461,727
	ndlord Work	65,000
JC Penney's	Entry Upgrade/Contingency	250,000
Abuelo's Bu		900,000
Carrabba's	Building	597,000
Design/Eng	jineering	519,930
Impact Fee	S	310,700
Developer l	Fee/Financing Costs	326,585
JC Penney l	Jpgrade to Store	500,000
Sears Upgra	ade to Store	140,000
Barnes & N	oble	1,045,475
Tenant		130,000
Tenant		126,000
Maggie Mo		60,000
Panera Brea	ad	192,000
Tenant		106,000
Kirklands		300,000
Building:	Tenant 1	240,000
	Tenant 2	450,000
	Tenant 3	360,000
Sbarros		300,990
Gran	d Total	\$17,409,752

Exhibit C To Agreement Between City of Roanoke and Valley View Mall, LLC

Eligible Redevelopment Activity	<u>Estimated</u>
Cost	
Site Demolition	
Former Theater Building	\$ 166,000
Existing Pavement	157,000
Existing Concrete Sidewalks	93,000
Existing Curb and Gutter	25,500
Existing Dumpster Pads	<u>3,500</u>
Subtotal for Site Demolition	\$ 445,000
Site Infrastructure - Retaining Walls and	
Related Improvements	\$ 78,000
Utility Infrastructure Relocation	
Storm Drainage Relocation	\$ 35,000
Sanitary Sewer Main Relocation (8")	52,000
Water Line Relocation (12")	40,000
Maintenance of Utility Services To Existing Busin	ness
While Site is Under Construction (temp. conne Electrical Primary Service and Secondary Service	
And Telephone Relocation	200,000
And receptione Relocation	2001000
Subtotal for Utility Infrastructure Relocation	on \$ 477,000

Eligible Redevelopment Activity Total

\$1,000,000

pit.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE authorizing the proper City officials to execute a Performance Agreement among the City of Roanoke (City), the Industrial Development Authority of the City of Roanoke, Virginia (IDA), and Valley View Mall, LLC (VVM) that provides for certain undertakings by the parties in connection with the development of certain property located in Valley View Mall, in the City of Roanoke; and dispensing with the second reading by title of this Ordinance.

WHEREAS, VVM has proposed the development of certain property located in Valley View Mall;

WHEREAS, the development of the site will require significant infrastructure cost for the site development in order to provide for retail activity;

WHEREAS, VVM has requested an economic development grant through the IDA to assist in the unusual expense of development of the site;

WHEREAS, City staff has advised Council that such project will benefit economic development within the City and the Roanoke Valley; and

WHEREAS, the City and the IDA wish to encourage VVM in connection with the development of the Project in order to enhance and promote economic development within the City and the Roanoke Valley.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. City Council hereby approves the terms of the Performance Agreement among the City, the IDA, and VVM, as set forth in the attachment to the City Manager's letter to Council K:\Measures\VVM Performance Agreement 2006.rtf 1

dated May 15, 2006, which provides for certain undertakings and obligations by VVM, as well

as certain undertakings by the City and the IDA. City Council further finds that the economic

development grant provided for by the Performance Agreement will promote economic

development within the City and the Roanoke Valley.

The City Manager and the City Clerk are authorized on behalf of the City to

execute and attest, respectively, a Performance Agreement among the City, the IDA, and VVM,

upon certain terms and conditions as set forth in the City Manager's letter to Council dated May

15, 2006. The Performance Agreement shall be substantially similar to the one attached to such

letter and in a form approved by the City Attorney.

3. The City Manager is further authorized to take such actions and execute such

documents as may be necessary to provide for the implementation and administration of such

Performance Agreement.

2.

4. Pursuant to the provisions of Section 12 of the City Charter, the second reading of

this Ordinance by title is hereby dispensed with.

ATTEST:

City Clerk



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138

City Web: www.roanokeva.gov

May 15, 2006

Honorable C. Nelson Harris, Mayor Honorable Beverly Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Renewal of Downtown

Roanoke Service District

Background:

In December, 1986, City Council adopted Ordinance No. 28453-120886, which established the Downtown Service District in the City of Roanoke. At that time, and for various terms since creation of the District, the City of Roanoke has entered into agreements with Downtown Roanoke, Inc.(DRI) in order for Downtown Roanoke, Inc. to undertake the development activities and other such additional services that are not provided uniformly throughout the City, including economic and business development promotional activities and those other activities provided under State Code Section 15.2-2403. The agreement between the City and DRI was last authorized by City Council in July, 2001, by Resolution 35448-070201 for a five-year term to expire on June 30, 2006.

In July, 2002, the City Council, by Resolution 35964-070102, authorized the amendment of the agreement to eliminate the \$2,000 charge the City retained from the actual tax receipts collected for the costs incurred in collecting and administrating the receipts.

Considerations:

DRI has informed the City of its desire to continue its contractual relationship with the City to provide services within the Downtown Service District. In its request dated April 17, 2006, DRI proposes to enter into an agreement with an initial one-year term with a series of nine, one year mutually agreed upon renewals which would potentially take the agreement forward from July 1, 2006, through June 30, 2016. All other terms and conditions as contained in

Mayor Harris and Members of City Council May 15, 2006 Page 2

the previous agreement, as amended, would carry forward into this new agreement, such as the boundaries of the district and the additional service district tax rate of \$.10 per \$100 valuation of real estate.

Recommendation:

Authorize the City Manager to execute a Downtown Service District Agreement between the City of Roanoke and Downtown Roanoke, Inc., such agreement to be approved as to form by the City Attorney. Furthermore, authorize the City Manager to take such further action as is necessary to implement and administer such agreement.

Respectfully submitted.

Darlene L. Burkham City Manager

DLB:rbt

C: Honorable Sherman A. Holland, Commissioner of the Revenue
Honorable Evelyn W. Powers, City Treasurer
Jesse A. Hall, Director of Finance
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Sherman M. Stovall, Director of Management and Budget
R. Brian Townsend, Director, Planning Building & Economic Development
Patrick Shaffner, Interim Executive Director, Downtown Roanoke, Inc.

CM06-00078



April 17, 2006

APR 1 8 2006
CITY MANAGERS OFFICE

Ms. Darlene Burcham City Manager City of Roanoke 215 Church Avenue, Room 364 Roanoke, Virginia 24011

Re: Downtown Service District Agreement

Dear Ms. Burcham:

Please accept this letter as Downtown Roanoke, Inc.'s (DRI's) formal request to renew the current contract (Downtown Service District Services Agreement, dated July 1, 2001) between the City of Roanoke and Downtown Roanoke, Inc. for a period of ten (10) years beginning on July 1, 2006. Our current contract to manage the area designated as the "Downtown Service District" terminates on June 30, 2006.

DRI proposes that the new Agreement be substantially the same as the current Agreement (copy enclosed) with the following changes:

Article III.3.2. Change to read: <u>Term</u>. The term of this Agreement shall be for ten (10) years, commencing July 1, 2006, and ending on June 30, 2016.

Article III.3.15(b). Change the word "President" to "Executive Director."

Enclosed is a copy of our current Agreement and letters from members of our Board, owners of property located in the District, representatives of various enterprises, including retailers, farmers, restaurateurs, banks and others who have businesses, or do business, within the District. Also enclosed is a partial summary of activities and initiatives which DRI has been responsible for, or has participated in, during the term of our current agreement. We trust that these letters of support, and other supporting information, will be looked upon favorably in your consideration of awarding DRI a new contract as requested.

Play. Work. Live. Love. Downtown.



Ms. Darlene Burcham April 17, 2006 Page two

We believe the service DRI has provided to the City under the current Agreement has had a positive impact on the District and has been beneficial to the City. It is our desire to continue this relationship in the future.

If you have questions or need additional information pertaining to this request, please contact me at 342.2028, extension 14.

Thank you for your consideration.

Sincerely,

Patrick N. Shaffner

Interim Executive Director

Enclosures: Letters of Support

Highlights

DSD Services Agreement (current)

)K

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the City Manager to execute an agreement with Downtown Roanoke, Inc., for continued administration of the Downtown Service District, upon certain terms and conditions.

BE IT RESOLVED by Council for the City of Roanoke that the City Manager is hereby authorized to execute an agreement with Downtown Roanoke, Inc., upon form approved by the City Attorney, for continued administration of the Downtown Service District, by providing for business development activity and other additional services that are not provided uniformly throughout the City, pursuant to Section 15.2-2403, of the Code of Virginia (1950) as amended. The agreement shall be made at the same tax imposed rate as the current agreement (\$.10 per \$100.00 valuation of real estate) for an initial term of one year, subject to nine additional one year extensions thereafter, commencing July 1, 2006, and upon the same terms and conditions as the City's current agreement with Downtown Roanoke, Inc., as set forth in the City Manager's letter to Council dated May 15, 2006.

ATTEST:

City Clerk.



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138

City Web: www.roanokeva.gov

May 15, 2006

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council,

Subject:

Recommendations of Human Services Advisory Board for Funding of Qualified Agencies for Fiscal Year 2006-2007

Background:

The Human Services Advisory Board budget in the amount of \$578,841 was established by City Council with the adoption of the General Fund budget for fiscal year 2006-07. Requests from 33 agencies (46 programs) totaling \$887,483 were received as indicated on Attachment A. Advisory Board members studied each application prior to meetings to discuss funding allocations held on March 7, March 17, and March 22, 2006. Agencies were notified of tentative allocations and advised they could appeal these recommendations. No appeals were heard by the Board.

Performance audits will be conducted by the Council of Community Services to evaluate the effectiveness and efficiency of all funded programs.

Recommended Action(s):

Authorize the City Manager to execute any contracts required with the recipient agencies, such contracts to be approved as to form by the City Attorney.

Honorable Mayor and Members of City Council May 15, 2006 Page 2

Transfer \$578,841 from the Human Services Advisory Board account #01-630-5220-3700 to new line items to be established within the Human Services Advisory Board budget by the Director of Finance as cited on Attachment A.

Respectfully submitted,

Darlene L. Burcham

City Manager/

DLB:tem

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda B. Russell, Assistant City Manager for Community Development
Sherman M. Stovall, Director of Management and Budget
Jane R. Conlin Director of Human/Social Services

CM06-00076

Human Services Advisory Board Ratings/Allocation Sheet - 2006-07

Program	Received	Requesting	Proposed
¥	2005-06	2006-07	Funding 2006-07
Family Services - Family & Individual Counseling	10,000	12,000	12,000
Family Services - ACTION	15,000	25,000	20,000
League of Older Americans - Meals on Wheels	30,000	30,000	30,000
Family Services - Home Care	15,000	15,000	15,000
Family Services - Adults Plus	14,500	15,000	15,000
Council of Community Services - Info. And Referral	13,650	15,000	15,000
Presbyterian Community Center	2,500	13,900	10,000
Council of Community Services - Non-Profit Resource Cntr	15,000	15,000	15,000
Greenvale School	11,000	16,000	14,000
Roanoke Adolescent Health Partnership	20,000	23,500	23,500
SW VA Second Harvest Food Bank	15,000	15,000	15,000
Planned Parenthood	5,000	8,000	8,000
West End Center - After School Program	20,000	22,000	22,000
Blue Ridge Independent Living Center	9,000	15,679	12,000
Unified Human Services Transportation Services - RADAR	22,000	24,000	24,000
Apple Ridge Farm	10,000	30,000	20,000
Adult Care Center	7,000	10,000	7,000
Mental Health Association	2,800	3,000	3,000
Blue Ridge Legal Services	6,000	14,793	12,000
West End Center - Educational Services	20,000	21,200	20,000
1	5,000	25,000	10,000
St. John's Community Youth Program	30,000	30,000	15,000
Bradley Free Clinic - Medical Program		8,500	8,500
Roanoke Valley Interfaith Hospitality Network	8,000 3,000	3,150	3,000
Big Brothers/Big Sisters		7,500	
Girl Scouts Virginia Skyline Council	5,000 14,000	14,700	6,000 14,700
Salvation Army - Red Shield Lodge		30,000	
Roanoke Area Ministries	30,000		30,000
TRUST	10,000	10,500	10,500 10,000
YWCA - Child Care Program	7,000	25,000	
Roanoke Valley Speech and Hearing	3,500	6,500	4,000
YMCA Magic Place	9,000	30,000	10,000
Bradley Free Clinic - Dental Program	0 000	30,000	17,000
CHIP - Family Strengthening	25,000		
CHIP - FAMIS Outreach CHIP - Care Coordination	5,000		
	25,000		
YWCA - Navigation House Children's Advocacy Center	3,532		
	7,500		
YWCA - Aquatics Program CHIP - Dental Varnish	5,000		
	1	30,000	
Salvation Army - Turning Point	14,000		
Commonwealth Catholic Charities	0	12,000	
American Red Cross - Roanoke Valley Chapter	0 500	8,000	
Brain Injury Services	2,500		
CHIP - HOPE	5,000		
Bethany Hall	10,000		
Boys and Girls Club	0	46,625	
Monitoring Services - Council of Community Services	ļ		12,000
TOTAL REQUESTS	<u> </u>	887,483	
Human Services Funding:		578,841	578,841
		l	



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding to the Human Services Committee, amending and reordaining certain sections of the 2006-2007 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2006-2007 General Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows, in part:

Appropriations		
Subsidies	01-630-5220-3700	\$ (578,841)
Bradley Free Clinic – Medical Program	01-630-5220-3721	15,000
League of Older Americans – Meals on Wheels	01-630-5220-3722	30,000
Roanoke Area Ministries	01-630-5220-3723	30,000
Unified Human Services -Transportation (RADAR)	01-630-5220-3725	24,000
Bethany Hall	01-630-5220-3728	5,000
Big Brothers/Big Sisters	01-630-5220-3729	3,000
Council of Community Services - Information &		
Referral	01-630-5220-3732	15,000
Roanoke Valley Speech & Hearing Center	01-630-5220-3738	4,000
TRUST - Emergency Shelter & Transitional		
Housing	01-630-5220-3740	10,500
West End Center for Youth	01-630-5220-3745	42,000
Adult Care Center - Adult Day Care	01-630-5220-3746	7,000
Roanoke Adolescent Health Partnership	01-630-5220-3767	23,500
Greenvale School	01-630-5220-3780	14,000
Blue Ridge Independent Living Center	01-630-5220-3781	12,000
Mental Health Association of Roanoke Valley	01-630-5220-3784	3,000
Southwestern VA Second Harvest Food Bank	01-630-5220-3788	15,000
Planned Parenthood of the Blue Ridge	01-630-5220-3795	8,000
St. John's Community Youth Program	01-630-5220-3797	10,000
VA Skyline Girl Scouts Council	01-630-5220-3798	6,000
Presbyterian Community Center	01-630-5220-3801	10,000

Children's Advocacy Center - Family Support	01-630-5220-3915	7,500
Brain Injury Services of SW Virginia	01-630-5220-3916	5,000
Apple Ridge Farm	01-630-5220-3917	20,000
Family Service of Roanoke Valley - ACTION	01-630-5220-3919	20,000
Family Service of Roanoke Valley - Home Care	01-630-5220-3920	15,000
Family Service of Roanoke Valley – Family &		
Individual Counseling	01-630-5220-3921	12,000
Family Service of Roanoke Valley - Adults Plus	01-630-5220-3922	15,000
Blue Ridge Legal Services	01-630-5220-3923	12,000
Roanoke Valley Interfaith Hospitality Network	01-630-5220-3927	8,500
Salvation Army – Turning Point	01-630-5220-3929	17,641
Salvation Army – Emergency Shelter	01-630-5220-3930	14,700
Child Health Investment Partnership - Helpful		
Opportunities for Parents to Excel	01-630-5220-3931	5,000
CHIP - Family Strengthening Program	01-630-5220-3932	25,000
CHIP - Care Coordination Program	01-630-5220-3933	25,000
YMCA of Roanoke Valley – Magic Place	01-630-5220-3934	10,000
YWCA of Roanoke Valley – Child Care	01-630-5220-3937	10,000
YWCA of Roanoke Valley – Resident Program	01-630-5220-3939	3,500
Council of Community Services - Monitoring		
Services	01-630-5220-3940	12,000
Council of Community Services – Non-Profit		
Resource	01-630-5220-3946	15,000
Child Health Investment Project – FAMIS	01-630-5220-3947	5,000
Bradley Free Clinic – Dental Program	01-630-5220-3958	17,000
CHIP – Dental Varnish	01-630-5220-3959	10,000
Commonwealth Catholic Charities	01-630-5220-3960	7,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION concurring in the recommendations of the Human Services Advisory Board ("Board") for allocation of City funds to various nonprofit agencies and performance audits for Fiscal Year 2006-2007; authorizing the City Manager or her designee to execute any required contracts with the qualified agencies for provision of services, and to execute a contract with the Council of Community Services to perform the necessary audits to evaluate the effectiveness and efficiency of all funded programs.

WHEREAS, the Fiscal Year 2006-2007 budget approved by City Council for the Human Services Advisory Board provides for funding in the amount of \$578,841.00;

WHEREAS, in order to obtain an allocation for such funds, it was necessary for agencies to file applications with the Human Services Advisory Board;

WHEREAS, requests for City funding in the total amount of \$887,483.00 were received by the Human Services Advisory Board from thirty-three (33) agencies;

WHEREAS, after studying each application and holding allocation meeting hearings, the Board has recommended allocation of funding to certain applicant agencies for Fiscal Year 2006-2007; and

WHEREAS, performance audits are to be conducted for each agency receiving funds through the Committee to evaluate the effectiveness and efficiency of funded programs.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that:

1. Council concurs in the recommendations of the Human Services Advisory Board as to the allocations for funding of various nonprofit agencies and performance audits for Fiscal Year 2006-2007 as more particularly set forth in the City Manager's letter dated May 15, 2006, to this Council, and the attachment to that report.

2. The City Manager or her designee is authorized to execute a contract with the qualified agencies for provision of services, and to execute a contract with the Council of Community Services to perform the necessary audits to evaluate the effectiveness and efficiency of all funded programs; all such contracts to be approved as to form by the City Attorney.

ATTEST:

City Clerk.



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 City Web: www.roanokeva.gov

May 15, 2006

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Vice-Mayor Honorable Sherman P. Lea, Council Member Honorable Brian J. Wishneff, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Brenda L. McDaniel, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Recommendations of the Roanoke Arts Commission

Background:

The Roanoke Arts Commission Agency Funding Advisory Committee budget in the amount of \$348,077 was established by City Council with the adoption of the General Fund budget for FY 2006-07. Of this total amount, \$2,500 was set aside for the Arts Commission funding. The total funding amount represents an increase in funding of \$12,565 for the Committee as recommended to City Council in February 2006. Requests from 19 agencies (including the Arts Commission) totaling \$532,270 were received as indicated on Attachment A. Committee members studied each application prior to an allocation meeting held March 3, 2006. Agencies were notified of tentative allocations and advised they could appeal these recommendations. One appeal was filed by Virginia's Explore Park. No changes were recommended by the committee.

Recommended Action:

Transfer \$348,077 as cited on Attachment A from the Roanoke Arts Commission Agency Funding Advisory Committee, account 01-310-5221-3700, to new line items to be established by the Director of Finance within the Roanoke Arts Commission budget.

Respectfully submitted,

Darlene L. Burkham

City Manager 1

DLB:gr

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
R. Brian Townsend, Director of Planning Bldg. & Economic Development

CM06-00079

2005 - 2006 AGENCY FUNDING ADVISORY COMMITTEE REQUEST & ALLOCATION ROANOKE ARTS COMMISSION

	2004-2005	2005-2006	2005-2006	2006-2007	2006-2007
AGENCY	Recommendation	Request	Recommendation	Request	Recommendation
Arts Council of the Blue Ridge	\$14,083.00	\$15,000.00	\$14,880.00	\$20,000.00	\$16,800
Art Museum of Western Virginia	\$0.00	\$28,000.00	\$16,800.00	\$24,000.00	\$17,600
Blue Ridge Zoological Society of VA	\$10,250.00	\$30,500.00	\$25,352.00	\$12,500.00	
Downtown Music Lab	\$6,913.00	\$12,000.00	\$8,850.00	\$18,000.00	\$9,900
Harrison Museum/African-American					
Culture	\$26,750.00	\$46,150.00	\$22,990.00	\$35,000.00	\$25,000
Julian Stanley Wise Foundation	\$3,167.00	Sent to HS		·	
Mill Mountain Playhouse Co.	\$11,792.00	\$15,000.00	\$13,830.00	\$15,000.00	\$14,000
Opera Roanoke	\$8,167.00	\$12,000.00	\$9,300.00	\$15,000.00	\$11,900
Roanoke Ballet Theatre	\$5,583.00	\$8,000.00	\$6,380.00	\$10,270.00	\$7,200
History Museum & Historical Society					
of Western Virginia	\$7,755.00	\$10,000.00	\$8,520.00	\$11,000.00	\$9,250
O. Winston Link Museum	\$3,995.00	\$4,000.00	\$4,365.00	\$10,000.00	\$6,250
Roanoke Symphony Society	\$27,800.00	\$50,000.00	\$29,500.00	\$50,000.00	\$32,000
Science Museum of Western VA	\$53,500.00	\$95,000.00	\$55,340.00	\$95,000.00	\$59,000
Southwest Virginia Ballet	\$2,167.00	\$5,000.00	\$2,700.00	\$0.00	
Virginia 's Explore Park	\$35,500.00	\$50,000.00	\$35,385.00	\$50,000.00	\$36,400
Virginia Museum of Transportation	\$64,363.00	\$100,000.00	\$55,590.00	\$100,000.00	\$52,419
Young Audiences of Virginia	\$4,167.00	\$6,000.00	\$4,665.00	\$20,000.00	\$7,250
Commonwealth Coach & trolley					
Museum	\$1,600.00			\$0.00	
The Dumas Drama Center Guild, Inc	\$2,200.00	\$2,500.00	\$2,985.00	\$20,000.00	\$7,287
Jefferson Center Foundation LTD	\$12,583.00	\$75,000.00	\$12,130.00	\$24,000.00	\$15,031
Monitoring	\$6,597.00	\$6,597.00	\$5,950.00		\$5,790
Arts Master Plan	\$20,000.00	\$0.00		\$0.00	
Arts Commission				\$2,500.00	\$2,500
TOTAL	\$328,932.00	\$570,747.00	\$335,512.00	\$532,270.00	\$348,077



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding to specific Art Commission agencies, amending and reordaining certain sections of the 2006-2007 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2006-2007 General Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations		
Subsidies	01-310-5221-3700	\$(348,077)
Virginia Museum of Transportation	01-310-5221-3714	52,419
Roanoke Symphony Society	01-310-5221-3736	32,000
Mill Mountain Theatre	01-310-5221-3749	14,000
Explore Park	01-310-5221-3758	36,400
Opera Roanoke	01-310-5221-3762	11,900
Science Museum of Western Virginia	01-310-5221-3774	59,000
Roanoke Valley History Museum	01-310-5221-3776	9,250
Roanoke Ballet Theatre	01-310-5221-3779	7,200
Young Audiences of Virginia	01-310-5221-3802	7,250
Arts Council of the Blue Ridge	01-310-5221-3909	16,800
Art Museum of Western Virginia	01-310-5221-3910	17,600
Blue Ridge Zoological Society	01-310-5221-3911	12,500
Downtown Music Lab	01-310-5221-3912	9,900
Harrison Museum/African American Culture	01-310-5221-9313	25,000
Monitoring	01-310-5221-3914	5,790
O. Winston Link Museum	01-310-5221-3941	6,250
The Dumas Drama Guild, Inc.	01-310-5221-3943	7,287
Jefferson Center Foundation LTD	01-310-5221-3944	15,031
Arts Commission	01-310-5221-3961	2,500

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138

City Web: www.roanokeva.gov

May 15, 2006

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject:

Appropriation of VDOT

Project Funding

Background:

The Virginia Department of Transportation's (VDOT) Six-Year Improvement Program (SYIP) includes funding for the following projects:

- Riverland Road, Bennington Street, & Mt. Pleasant Boulevard Intersection Improvement (UPC #71741) - Total project funding of \$1,020,000 which includes a FY05 allocation of \$224,000 (VDOT \$220,000, City match \$4,000) and a FY06 allocation of \$796,000 (VDOT \$780,000 and City match \$16,000), and
- Citywide Signal & ITS Improvements (UPC #71740) Total project funding of \$1,144,000 which includes a FY05 allocation of \$554,000 (VDOT \$543,000, City match \$11,000), a FY06 allocation of \$322,000, and a FY07 allocation of \$268,000 (FY06 and FY07 combined are VDOT \$579,000, City match \$11,000).

Because these projects are to be locally administered, City Council needs to appropriate these funds to project accounts for disbursement against project development and implementation expenses. In February 2005, Council appropriated the FY05 allocations to the appropriate accounts. Additionally,

Honorable Mayor and Members of City Council May 15, 2006 Page 2

the Riverland Road account includes \$50,000 of local match funding, more than the amount required by VDOT as the locality two percent match.

At this time, City Council needs to appropriate the FY06 and FY07 allocations to these accounts so that these projects can continue to move forward. VDOT projects require a local match of two percent. Funding for the local match needed for all phases of the Citywide Signal & ITS Improvements Project is available in the VDOT Highway projects account (008-530-9803.)

Recommended Action:

Appropriate \$780,000 of VDOT project funding to the existing project account Riverland Road / Mt. Pleasant / Bennington Street (008-530-9512). Increase the revenue estimate by the same amount for State reimbursement through VDOT's Six-Year Improvement Program. Funds currently exist in this capital account which provides the City's two percent match for this project.

Appropriate \$579,000 of VDOT project funding to the existing project account "Signal & ITS Improvements" (008-530-9833). Increase the revenue estimate by the same amount for State reimbursement through VDOT's Six-Year Improvement Program. To address the local match needed in this account, transfer funding of \$22,880 from account VDOT Highway Projects (008-530-9803) to the "Signal & ITS Improvements" account to cover the City's required two percent match.

Respectfully submitted.

Darlene L. Butcham

City Manager/

DLB/MDJ/gpe

Mary F. Parker, City Clerk c: William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance Sherman M. Stovall, Director of Management & Budget Robert K. Bengtson, P.E., Director of Public Works Mark D. Jamison, P.E., Acting Transportation Division Manager

CM06-00091



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding to be provided by the VDOT Six-Year Improvement Program for the Riverland Road, Mt. Pleasant Boulevard Intersection, Bennington Street and Signal & ITS Improvements Projects, amending and reordaining certain sections of the 2005-2006 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2005-2006 Capital Projects Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations		
Appropriated from State Grant Funds	008-530-9512-9007	\$ 780,000
Appropriated from 1999 Bond Funds	008-530-9803-9001	(22,000)
Appropriated from 1999 Bond Funds	008-530-9833-9001	22,000
Appropriated from State Grant Funds	008-530-9833-9007	579,000
Revenues		
VDOT-Riverland Road./ Mt. Pleasant/		
Bennington Street	008-530-9512-9913	780,000
VDOT-Signal & ITS Improvements	008-530-9833-9915	579,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

City of Roanoke School Board

P.O. Box 13145, Roanoke VA 24031 **S** 540-853-2381 **FAX** 540-853-2951

Kathy G. Stockburger, Chair

David B. Trinkle, M.D., Vice Chair

Jason E. Bingham David B. Carson William H. Lindsey Alvin L. Nash Courtney A. Penn

Marvin T. Thompson, Superintendent

Cindy H. Lee, Clerk of the Board May 15, 2006

The Honorable C. Nelson Harris, Mayor and Members of Roanoke City Council Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its meeting on May 9, the Board respectfully requests City Council to appropriate \$2,000,000.00 from the Virginia Literary Fund for the addition of central air conditioning, the installation of energy efficient window systems, and the upgrade of facility electrical circuits at Monterey Elementary School.

The School Board thanks you for your approval of the appropriation request.

Sincerely,

Cindy H./Poulton, Clerk

re

cc: Mrs. Kathy G. Stockburger

Mr. Marvin T. Thompson Mr. Bernard J. Godek Mr. Kenneth F. Mundy Mrs. Darlene Burcham Mr. William M. Hackworth

Mr. Jesse A. Hall

Mr. Jim Newman (with Accounting details)



JESSE A. HALL Director of Finance email: jesse_hall@ci.roanoke.va.us

CITY OF ROANOKE DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461 P.O. Box 1220 Roanoke, Virginia 24006-1220 Telephone: (540) 853-2821 Fax: (540) 853-6142

ANN H. SHAWVER

Deputy Director

email: ann_shawver@ci.roanoke.va.us

May 15, 2006

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

SUBJECT: School Board Appropriation Request

As a result of official School Board action at its meeting on May 9, 2006, the Board has respectfully requested that City Council appropriate funding of \$2,000,000 from the Virginia Literary Loan Fund for the addition of central air conditioning, the installation of energy efficient window systems, and the upgrade of facility electrical circuits at Monterey Elementary School. City Council has approved application for this debt, and this is included in the City's adopted Capital Improvement Program.

We recommend that you concur with this report of the School Board and adopt the attached budget ordinance to appropriate this funding.

Sincerely,

Jesse A. Hall

Director of Finance

Jesse A Hall

C: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Sherman M. Stovall, Director of Management and Budget
Marvin T. Thompson, Superintendent of City Schools



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding from the Virginia Literary Loan Fund for improvements to the Monterey Elementary School, amending and reordaining certain sections of the 2005-2006 School Capital Projects Fund Appropriations and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2005-2006 School Capital Projects Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

School Capital Projects Fund

Appropriation

Appropriation From Literary Loan/VPSA Bonds 031-065-6074-6896-9006 \$2,000,000

Revenue

Literary Loan – Monterey Elementary School 031-065-6074-1458 2,000,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

the state of the s

City Clerk.

City of Roanoke School Board

P.O. Box 13145, Roanoke VA 24031 ■ 540-853-2381 ■ FAX 540-853-2951

Kathy G. Stockburger, Chair

David B. Trinkle, M.D., Vice Chair

May 15, 2006

Jason E. Bingham David B. Carson William H. Lindsey Alvin L. Nash Courtney A. Penn

The Honorable C. Nelson Harris, Mayor and Members of Roanoke City Council

Marvin T. Thompson, Superintendent

Roanoke, VA 24011

Cindy H. Lee, Clerk of the Board Dear Members of Council:

As the result of official School Board action at its meeting on May 9, the Board respectfully requests City Council to appropriate the following grant funds:

- \$12,000.00 for the William Fleming High School Ninth Grade Transition Grant to provide federal funds for the transition of middle school students to the high school. This new program will be one hundred percent reimbursed with federal funds.
- \$2,912.00 for the 2006 Advanced Placement (AP) Fee Payment Program to reimburse part or all of the cost of fees for low-income students who take the test. This continuing program will be one hundred percent reimbursed with federal funds.

The School Board thanks you for your approval of the appropriation request.

Sincerely,

Cindy H./Poulton, Clerk

re

cc:

Mrs. Kathy G. Stockburger

Mr. Marvin T. Thompson

Mr. Bernard J. Godek

Mr. Kenneth F. Mundy

Mrs. Darlene Burcham

Mr. William M. Hackworth

Mr. Jesse A. Hall

Mr. Jim Newman (with Accounting details)



JESSE A. HALL
Director of Finance
email: jesse_hall@ci.roanoke.va.us

CITY OF ROANOKE DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461 P.O. Box 1220 Roanoke, Virginia 24006-1220 Telephone: (540) 853-2821 Fax: (540) 853-6142

ANN H. SHAWVER
Deputy Director

Deputy Director email: ann_shawver@ci.roanoke.va.us

May 15, 2006

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

SUBJECT: School Board Appropriation Request

As a result of official School Board action at its meeting on May 9, 2006, the Board has respectfully requested that City Council appropriate the following funds:

- \$12,000 for the William Fleming High School Ninth Grade Transition Grant to provide federal funds for the transition of middle school students to the high school. This new program will be one hundred percent reimbursed with federal funds.
- \$2,912 for the 2006 Advanced Placement (AP) Fee Payment Program to reimburse part or all of the cost of fees for low-income students who take the test. This continuing program will be one hundred percent reimbursed with federal funds.

We recommend that you concur with this report of the School Board and adopt the attached budget ordinance to appropriate funding as outlined above.

Sincerely,

ΔIJ

Jesse A. Hall Director of Finance

Jesse A. Hall

Honorable Mayor and Members of Council May 15, 2006 Page 2

c: Darlene L. Burcham, City Manager William M. Hackworth, City Attorney Mary F. Parker, City Clerk Sherman M. Stovall, Director of Management and Budget Marvin T. Thompson, Superintendent of City Schools



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding from the federal government for the William Fleming Ninth Grade Transition Grant and the AP Fee Payment Programs, amending and reordaining certain sections of the 2005-2006 School Fund Appropriations and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2005-2006 School Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

School Fund

Appropriations		
Supplements	030-062-6894-6100-0129	\$ 11,147
Social Security	030-062-6894-6100-0201	853
Maintenance Service Contracts	030-062-6895-6100-0332	2,912
Revenues		
Federal Grant Receipts	030-062-6894-1102	12,000
Federal Grant Receipts	030-062-6895-1102	2,912

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT



Planning Commission

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

May 15, 2006

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject:

Request from Highland Park United Methodist Church, represented by Edward A. Natt, Attorney, that a portion of property bearing Official Tax Map No. 1120908 and located at 702 Ferdinand Avenue, S.W., and an adjoining parcel bearing Official Tax Map No. 1120909, be rezoned from IN, Institutional District, to RM-1, Residential Mixed Density District, to allow for single-family residential housing.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, April 20, 2006. By a vote of 5-1 (Messrs. Butler, Chrisman, Scholz, Manetta and Rife voting for; Ms. Prince voting against; and Mr. Williams absent), the Commission recommended that City Council approve the request.

Background

As part of a comprehensive rezoning adopted by City Council on December 5, 2005, the subject properties were rezoned from RM-2, Residential Multifamily, Medium Density District to IN, Institutional District. They are also in the H-2, Historic Neighborhood Overlay District. The petitioner requests that a portion of property bearing Official Tax Map No. 1120908 and an adjoining parcel bearing Official Tax Map No. 1120909, be rezoned from IN, Institutional District, to RM-1, Residential Mixed Density District, to allow for a single-family dwelling. A Petition to Rezone was filed February 21, 2006.

Considerations

Surrounding Zoning Districts and Land Uses

The subject properties are located at 702 Ferdinand Avenue, west of the intersection of Ferdinand and Mountain Avenues. Immediately adjacent to the properties is an IN, Institutional District (to the north), which contains the building of the former Highland Park United Methodist Church, and an RM-1, Residential Mixed Density District (to the east and south) containing single- and two-family residential dwellings. Further south and west of the properties are Highland and Wasena Parks, which are in an ROS, Recreation and Open Space District. North of the IN District and the subject properties is a small RM-2, Residential Mixed Density District containing two multifamily buildings.

Compliance with the Zoning Ordinance

The proposed lot and the current building to be rezoned comply with the dimensional standards of the RM-1, Residential Mixed Density District. The resulting lot will be 12,414 square feet, which meets the minimum lot area of RM-1 and would allow for a two-family dwelling (requires a special exception). Uses permitted as a right in this district include: dwellings, single-family detached; group homes; community gardens, day care home, child; and utility distribution or collection, basic. Uses permitted by special exception include: accessory apartment; home occupation, personal service; dwelling, two family; dwelling, townhouse or rowhouse; fire, police, or emergency services; utility distribution or collection, transitional. Uses permitted as an accessory use include: accessory uses, not otherwise listed; home occupation, excluding personal service.

Comments from the Public

Staff received written comments from Old Southwest, Inc in opposition to the rezoning of the properties. They stated concerns regarding the dimensional relationship between the church and house, and uncertainty as to the future plans for all properties in the IN District. Old Southwest did indicate possible support for the petition if it were made a condition that the two subject properties and the church stay under the same ownership.

Compatibility with the Neighborhood Plan

The petition is compatible with the future land use map in the 2003 Old Southwest Neighborhood Plan, which designates the subject properties for residential uses.

Planning Commission Discussion

The discussion of the Planning Commission primarily focused upon a shared driveway between the house and the church, and a paved drive on the proposed residentially zoned property, which is currently utilized by the Church. Commission members voiced concerns that the driveway locations could create

future access and easement issues and reduce the viability of the properties once they are subdivided from the Church. It was pointed out by several Commission members that the discussion regarding the driveways and private easements between property owners was unrelated to the issue of the rezoning.

Mr. Robert Richert appeared before the Commission on behalf of himself and Old Southwest, Inc. He said that one of their primary concerns was the church building itself and that the single family home be attractive. He said that the drive behind the garage was a concern and he would like to be assured that the single family home was very marketable as a single family home.

Recommendation:

By a vote of 5-1, the Commission recommended approval, finding that the petition to rezone a portion of property bearing Official Tax Map No. 1120908 and an adjoining parcel bearing Official Tax Map No. 1120909 from IN, Institutional District, to RM-1, Residential Mixed Density District, furthers the purposes of the Old Southwest Neighborhood Plan and the City's Zoning Ordinance and Map.

Respectfully submitted,

Richard A. Rife, Chairman

Richard a. Rife

Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager Rolanda Russell, Assistant City Manager for Community Development William M. Hackworth, City Attorney Edward A. Natt, Attorney for the Petitioner

PETITION TO REZONE

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Rezoning of properties containing 0.285 acre, from IN, Institutional District, to RM-1, Residential Mixed Density District:

- (a) Portion of Tax Map No. 1120908, said parcel containing a total of 0.1368 acre, more or less, identified as 702 Ferdinand Avenue SW
- (b) Tax Map No. 1120909, said parcel containing a total of 0.1482, more or less, located on Ferdinand Avenue SW

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

The Petitioner, <u>HIGHLAND PARK UNITED METHODIST CHURCH</u>, is the owner of property containing 0.1482 acre, more or less, in the City of Roanoke, situate on Ferdinand Avenue SW (Tax Map No. 1120909), and property containing 0.1368 acre, more or less, in the City of Roanoke, situate on Ferdinand Avenue SW (a portion of Tax Map No. 1120908) [a total of 0.285 acre]; both of said tracts being currently zoned IN, Institutional District. A map of the properties to be rezoned is attached as <u>Exhibit 1</u>.

Pursuant to Section 36.2-540, Code of the City of Roanoke (1979), as amended, the Petitioner requests that said properties containing 0.1482 acre, more or less, and containing 0.1368 acre, more or less, be rezoned from IN, Institutional District, to RM-1, Residential Mixed Density District, for the purpose of single-family residential housing.

The Petitioner believes the rezoning of said tracts of land will further the intent and purposes of the City's Zoning Ordinance and its Comprehensive Plan, in that it will enable parcels of land located on Ferninand Avenue SW to be used for residential purposes as other properties in the area are so utilized.

ISTERHOUDT, PRILLAMAN, NATT, HELSCHER, YOST, XWELL & FERGUSON, PLC ATTORNEYS-AT-LAW ROANOKE, VIRGINIA 24018-0049

Attached as Exhibit 2 is a plat that shows the existing buildings and drives of the subject properties requested to be rezoned.

Attached as Exhibit 3 are the names, addresses and tax numbers of the owners of all lots or property immediately adjacent to and immediately across a street or road from the properties to be rezoned.

Attached as Exhibit 4 is a legal description of the subject property.

WHEREFORE, the Petitioner requests that the above-described properties be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this 21st day of February, 2006.

HIGHLAND PARK UNITED METHODIST CHURCH

Compton M. Biddle for Edward A. Natt

Edward A. Natt, Esq. (VSB #1104) Compton M. Biddle, Esq. (VSB #46187) OSTERHOUDT, PRILLAMAN, NATT, HELSCHER, YOST, MAXWELL & FERGUSON, P.L.C.

P. O. Box 20487

Roanoke, VA 24018-0049

Phone:

(540) 725-8180

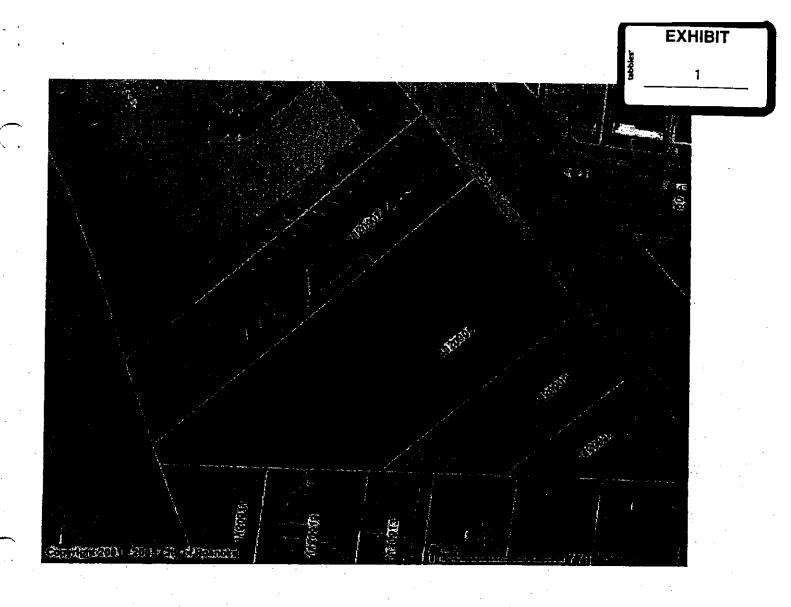
Fax:

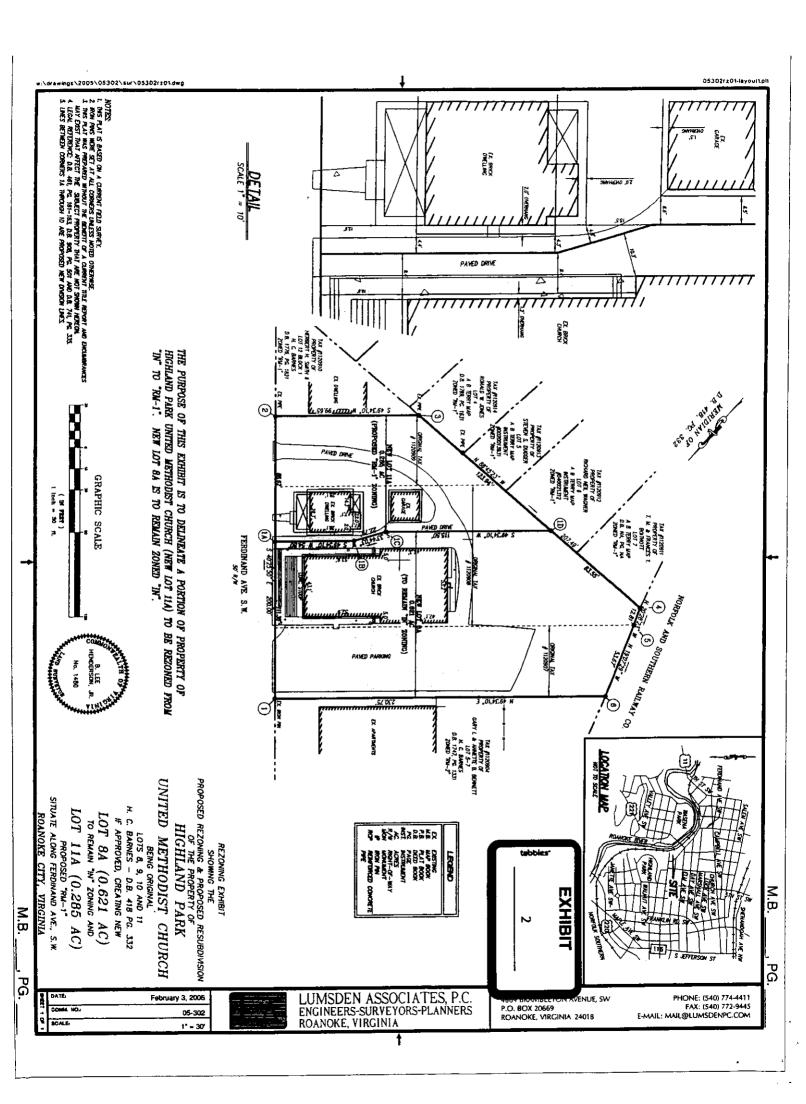
(540) 774-0961

Email:

enatt@opnlaw.com

STERHOUDT, PRILLAMAN, NATT, HELSCHER, YOST. XWELL & FERGUSON, PLC ATTORNEYS-AT-LAW ROANOKE, VIRGINIA 24018-0049







ADJOINING PROPERTY OWNER LISTING

Tax Map No .:

A portion of 1120908 (702 Ferdinand Avenue SW)

1120909 (Ferdinand Avenue SW)

Applicant/Owner:

Highland Park United Methodist Church

ADJOINING PROPERTY OWNERS

This list as follows are those property owners who own property beside, behind or across the street from the subject property noted above:

CITY OF ROANOKE

Official Tax Number / Property Address

Owner's Name and Mailing Address

1120719

637 Mountain Avenue SW

Paula Anselmo

637 Mountain Avenue SW

Roanoke, VA 24016

1120720

635 Mountain Avenue SW

Foster Properties LLC

P. O. Box 2585

Roanoke, VA 24010

1120907

Ferdinand Avenue SW

Highland Park United Methodist Church

624 Ferdinand Avenue SW

Roanoke, VA 24016

1120910

626 Ferdinand Avenue SW

Herbert H. Smith II

5551 Catawba Valley Drive

Catawba, VA 24070

1120911

Highland Avenue SW

T. M. & Frances T. Boitnott

7232 Twin Folk Drive

Roanoke, VA 24019

1120912

723 Highland Avenue SW

Richard Neil Wagner

2208 Jefferson Street, #314

Roanoke, VA 24014

CITY OF ROANOKE

Official Tax Number / Property Address

Owner's Name and Mailing Address

1120913

717 Highland Avenue SW

Steven S. Dugger 717 Highland Avenue SW Roanoke, VA 24016

1120914

713 Highland Avenue SW

Ronald W. Jones 713 Highland Avenue SW Roanoke, VA 24016

1121001

624 Mountain Avenue SW

Llewellyn Roberts 624 Mountain Avenue SW Roanoke, VA 24016



LEGAL DESCRIPTION

Tax Map No.:

A portion of 1120908 (702 Ferdinand Avenue SW)

1120909 (Ferdinand Avenue SW)

Applicant/Owner:

Highland Park United Methodist Church

LEGAL DESCRIPTION

BEGINNING at a point on the southerly side of Ferdinand Avenue, S.W. at the northwest corner of the property of Herbert H. Smith II (Tax Map No. 1120910); thence the following courses and distances: S. 49° 34' 10" W. 99.65 feet to a point on the property line of Tax Map No. 1120914 (property of Ronald W. Jones); thence N. 88° 45' 23" W. 123.94 feet to a point on the property line of Tax Map No. 1120912 (property of Richard Neil Wagner); thence with a new division line through the property of the Petitioner S. 49° 34' 10" W. 115.50 feet; S. 33° 44' 03" W. 22.79 feet and S. 49° 34' 10" W. 54.80 feet to a point on the southerly line of Ferdinand Avenue, S.W.; thence with the same S. 40° 25' 50" E. 88.62 feet to the point of BEGINNING; and containing 0.285 acre, more of less.

sector dec

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, dated December 5, 2005, as amended, to rezone certain property within the City; and dispensing with the second reading of this ordinance by title.

WHEREAS, Highland Park United Methodist Church has made application to the Council of the City of Roanoke, Virginia ("City Council"), to have the hereinafter described property rezoned from IN, Institutional District, to RM-1, Residential Mixed Density District;

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §36.2-540, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to City Council;

WHEREAS, a public hearing was held by City Council on such application at its meeting on May 15, 2006, after due and timely notice thereof as required by §36.2-540, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the recom-

mendation made to City Council by the Planning Commission, the City's Comprehensive

Plan, and the matters presented at the public hearing, finds that the public necessity,

convenience, general welfare and good zoning practice, require the rezoning of the subject

property, and for those reasons, is of the opinion that the hereinafter described property

should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.2-100, Code of the City of Roanoke (1979), as amended, and the

Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, be

amended to reflect the Petition to Rezone filed in the City Clerk's Office on February 21,

2006, so that a portion of Tax Map No. 1120908, said parcel located at 702 Ferdinand

Avenue, S.W., and Tax Map No. 1120909, located on Ferdinand Avenue, S.W., be, and is

hereby, rezoned from IN, Institutional District, to RM-1, Residential Mixed Density District,

as set forth in the Petition to Rezone filed in the Office of the City Clerk on February 21,

2006.

2. Pursuant to the provisions of Section 12 of the City Charter, the second

reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT



215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

May 15, 2006

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject:

Request from Pheasant Ridge Land Investors, LLC, to repeal and replace proffered conditions on a 4.09 acre property located on Pheasant Ridge Road, S.W., bearing Official Tax No. 5460129, such new proffers relating to a new development plan for the subject property to construct one additional multifamily structure.

Planning Commission Action

Planning Commission public hearing was held on Thursday, April 20, 2006. By a vote of 6-0 (Mr. Williams absent), the Commission recommended that City Council approve the request.

Background

On December 3, 1979, at the request of Roanoke Health Care Center, City Council rezoned the 49.23 acre parcel identified as Tax Map No. 5460101 to C-1, Office District and RM-2, Residential Multifamily District, with conditions (Ord. No. 24898-120379). On February 5, 1996, at the request of Roanoke Health Care Center, City Council rezoned the RM-2 portion of the property to C-1, with conditions, for the purpose of constructing a group care facility. The following conditions were proffered:

1. That the property will be developed in substantial conformity with the site plan prepared by Engineering Concepts, Inc., dated November 14, 1995, a copy of which is attached to the Petition for Rezoning as Exhibit "D", subject to any changes required by the City of Roanoke during site development plan review.

- 2. That the property shall be used only for the purpose of operating a nursing home, multi-family dwellings, independent living facilities, single-family dwellings, two-family dwellings, townhouses or rowhouses and offices.
- 3. That a detailed landscape plan will be prepared by a professional landscape architect and approved by the City. The plan will provide for transitional landscaping along the Old Rocky Mount Road and the Van Winkle Road corridors. The design will reduce the impact of parking and building structures. Review and required revisions in accordance with the proffer, will take place at the time of comprehensive development plan review.
- 4. That the wooded areas contiguous with the property lines will be maintained as a wooded area for a width of at least fifty (50) feet, with the exception of the areas adjacent to the existing C-I zoned property on the west, along which a 25 foot buffer area shall be maintained.
- 5. That all proposed structures shown on Exhibit "D" will be constructed of natural exterior building materials such as stone, brick, decorative block, stucco, and wood. This shall not preclude the use of other building construction materials when used as a particular component of the building system such as glassed atriums, skylights, entry canopies, standing-seam metal roofs, or other structural or mechanical systems incidental to the building use. Metal buildings, mobile or manufactured buildings, with the exception of temporary structures used as contractor's offices during construction, or other structures inconsistent with the above described selection of materials shall not be used in this development.
- 6. Recreational amenities, consisting of internal walkways or paths shall be provided.
- 7. That as subsequent phases of development are proposed, those development plans will be submitted to the Planning Commission for their review and approval.

As part of a comprehensive rezoning adopted by City Council on December 5, 2005, the property was rezoned from C-1, Office District, with conditions to MX, Mixed Use District, with conditions. The petitioner, Pheasant Ridge Land Investors, LLC, currently requests to repeal certain proffered conditions on a 4.09 acre portion (Tax Map No. 5460129) of the above-mentioned parent tract. Tax Map No. 5460129 was subdivided from the parent tract (Tax Map 546010)

on July 16, 2005. The Petition to Amend Proffered Conditions was filed on March 2, 2006; an Amended Petition to Amend Proffered Conditions was filed on April 6, 2006; and a Second Amended Petition to Amend Proffered Conditions was filed on April 17, 2006.

Considerations

Surrounding Zoning Districts and Land Uses

The subject property is located at 4475 Pheasant Ridge Road on the ridgetop development known as Pheasant Ridge. Pheasant Ridge is zoned as an MX, Mixed Use District, with conditions and contains a nursing and rehabilitation center, condominiums, an assisted living center, and offices. West of the subject track and Van Winkle Road is an R-7, Residential Single-Family District that contains a mobile home park and single-family homes.

Conditions Proffered by the Petitioner

The petitioner requests that the following proffers enacted by Ordinance No. 32815-020596 be repealed as they pertain to Tax Map No. 5460129.

- 1. That the property will be developed in substantial conformity with the site plan prepared by Engineering Concepts, Inc., dated November 14, 1995, a copy of which is attached to the Petition for Rezoning as Exhibit "D", subject to any changes required by the City of Roanoke during site development plan review.
- 2. That the property shall be used only for the purpose of operating a nursing home, multi-family dwellings, independent living facilities, single-family dwellings, two-family dwellings, townhouses or rowhouses and offices.
- 3. That a detailed landscape plan will be prepared by a professional landscape architect and approved by the City. The plan will provide for transitional landscaping along the Old Rocky Mount Road and the Van Winkle Road corridors. The design will reduce the impact of parking and building structures. Review and required revisions in accordance with the proffer, will take place at the time of comprehensive development plan review.
- 5. That all proposed structures shown on Exhibit "D" will be constructed of natural exterior building materials such as stone, brick, decorative block, stucco, and wood. This shall not preclude the use of other building construction materials when used as a particular component of the building system such as glassed atriums, skylights, entry canopies, standing-seam metal roofs, or other structural or mechanical systems incidental to the building use. Metal buildings, mobile or manufactured buildings, with the

exception of temporary structures used as contractor's offices during construction, or other structures inconsistent with the above described selection of materials shall not be used in this development.

- 6. Recreational amenities, consisting of internal walkways or paths shall be provided.
- 7. That as subsequent phases of development are proposed, those development plans will be submitted to the Planning Commission for their review and approval.

The Petitioner requests that the following proffered condition, enacted by Ordinance No. 32815-020596, remain in effect:

4. That the wooded areas contiguous with the property lines will be maintained as a wooded area for a width of at least fifty (50) feet, with the exception of the areas adjacent to the existing C-I zoned property on the west, along which a 25 foot buffer area shall be maintained.

The Petitioner hereby requests that the following proffered conditions be adopted as they pertain to Tax Map No. 5460129.

- 1. That the property will be developed in substantial conformity with the conceptual site plan prepared by Jones & Jones Associates, Architects PC, dated April 14, 2006, a copy of which is attached to the Petition for Amendment as Exhibit "A".
- 2. That the property shall be used only for the purpose of multifamily dwellings.
- 3. That all proposed structures shown on Exhibit "A" will be constructed of natural exterior building materials such as stone, brick, decorative block, stucco, and wood. The appearance of the buildings will be in substantial conformity with the existing Pheasant Ridge Condominiums and provide underground parking. This shall not preclude the use of other building construction materials when used as a particular component of the building system such as glassed atriums, skylights, entry canopies, standing-seam metal roofs, or other structural or mechanical systems incidental to the building use. Metal buildings, mobile or manufactured buildings, with the exception of temporary structures used as contractor's offices during construction, or other structures inconsistent with the above described selection of materials shall not be used in this development.

Access and Traffic

The multifamily units proposed by this petition will be accessed using Pheasant Ridge Road and the private drives within the development. Sixteen off-street parking spaces will be provided, plus additional spaces under each building. Based on the land use and demographics of its likely residents, it is unlikely to cause a significant increase in the number of vehicle trips to and from the development. However, future increases in the number of single-family or multifamily dwellings accessed using Pheasant Ridge Road will create the need for more detailed traffic impact analysis.

Landscaping and Screening

The Petitioner proposes to retain a condition (#4) that requires a buffer contiguous with the property lines be maintained as a wooded area for a width of at least fifty (50) feet. Other landscaping and screening will be subject to the requirements of the existing Zoning Ordinance.

Compatibility with the Comprehensive and Neighborhood Plans

The following policies from the Vision 2001-2020 Comprehensive Plan and the Southern Hills Neighborhood Plan are relevant in the consideration of the current petition.

Vision 2001-2020

- Viewsheds. Roanoke will protect steep slopes, ridgetops, and viewsheds within the City as important environmental and scenic resources and will cooperate regionally to protect such resources located outside the City. (EC, P3, pg.49)
- Parking. Roanoke will encourage on-street parking wherever possible and discourage excessive surface parking lots. (IN,P4, pg. 72).

Southern Hills Neighborhood Plan

- The Neighborhood Plan future land use map designates the subject parcel for mixed density residential development. (pg. 6)
- Support continued mixed density residential development in Pheasant Ridge and Southmont. (RD, P1, pg. 21)

Planning Commission Discussion

The Planning Commission had minimal discussion regarding the Petitioner's request and only had questions regarding the number of proposed units and the location of the multifamily buildings. There were no speakers during the public hearing.

Recommendation:

By a vote of 6-0, the Commission recommends approval, finding that the second amended petition to amend the proffered conditions on Tax No. 5460129 to construct one additional multifamily structure furthers the purposes of the City's Comprehensive Plan, the Southern Hills Neighborhood Plan, and the Zoning Ordinance.

Respectfully submitted,

Richard A. Rife, Chairman

Richard a Refe

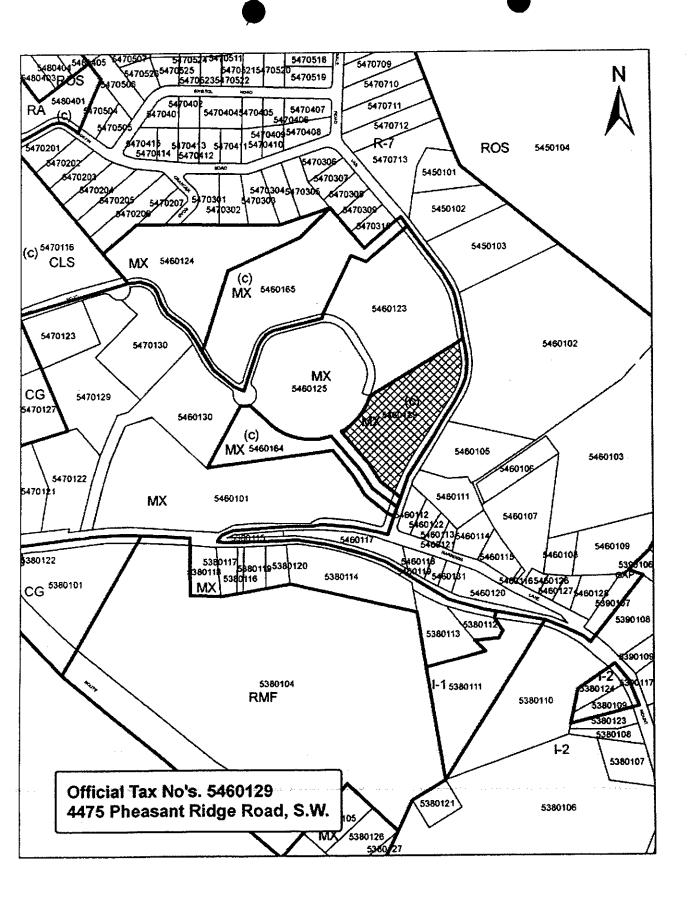
Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager

Rolanda Russell, Assistant City Manager for Community Development

William M. Hackworth, City Attorney

Petitioner



SECOND AMENDED PETITION TO AMEND PROFFERED CONDITIONS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA IN RE:

Amendment of Proffered Conditions for Lot 7, containing 4.0862 acres of Pheasant Ridge Land Investors, LLC, Tax Map number 5460129.

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

By Ordinance No. 24898-120379, at the request of Roanoke Health Care Center, City Council rezoned the property identified as Tax Map No. 546010 1 C-1, with proffered conditions. By Ordinance No. 32815-020596, at the request of Roanoke Health Care Center, City Council amended the previous proffered conditions.

The Petitioner, Pheasant Ridge Land Investors, LLC, owns Tax Map No. 5460129 in the City of Roanoke and requests that the conditions relating to said property be amended as hereinafter set out. Tax Map Number 5460129 is a subdivided lot created from parent tract 5460101 on 7/16/96.

The Petitioner believes that the subject amendment of proffers will further the intent and purposes of the City Zoning Ordinance and its Comprehensive Plan in that it will allow for a better use of the subject property.

The Petitioner hereby requests that the following proffers enacted by Ordinance No. 32815-020596 be repealed as they pertain to Tax Map No. 5460129.

1. That the property will be developed in substantial conformity with the site plan prepared by Engineering Concepts, Inc., dated November 14, 1995, a copy of which is attached to the Petition for Rezoning as Exhibit "D", subject to any changes required by the City of Roanoke during site development plan review.

- 2. That the property shall be used only for the purpose of operating a nursing home, multi-family dwellings, independent living facilities, single-family dwellings, two-family dwellings, townhouses or row-houses and offices.
- 3. That a detailed landscape plan will be prepared by a professional landscape architect and approved by the City. The plan will provide for transitional landscaping along the Old Rocky Mount Road and the Van Winkle Road corridors. The design will reduce the impact of parking and building structures. Review and required revisions in accordance with the proffer, will take place at the time of comprehensive development plan review.
- 5. That all proposed structures shown on Exhibit "D" will be constructed of natural exterior building materials such as stone, brick, decorative block, stucco, and wood. This shall not preclude the use of other building construction materials when used as a particular component of the building system such as glassed atriums, skylights, entry canopies, standing-seam metal roofs, or other structural or mechanical systems incidental to the building use. Metal buildings, mobile or manufactured buildings, with the exception of temporary structures used as contractor's offices during construction, or other structures inconsistent with the above described selection of materials shall not be used in this development.
- 6. Recreational amenities, consisting of internal walkways or paths shall be provided.
- 7. That as subsequent phases of development are proposed, those development plans will be submitted to the Planning Commission for their review and approval.

The Petitioner hereby requests that the following proffered condition, enacted by Ordinance No. 32815-020596, remain in effect:

4. That the wooded areas contiguous with the property lines will be maintained as a wooded area for a width of at least fifty (50) feet, with the exception of the areas adjacent to the existing C-l zoned property on the west, along which a 25 foot buffer area shall be maintained.

The Petitioner hereby requests that the following proffered conditions be adopted as they pertain to Tax Map No. 5460129.

1. That the property will be developed in substantial conformity with the conceptual site plan prepared by Jones & Jones Associates, Architects PC, dated April 14, 2006, a copy of which is attached to the Petition for

Amendment as Exhibit "A".

- 2. That the property shall be used only for the purpose of multifamily dwellings.
- 3. That all proposed structures shown on Exhibit "A" will be constructed of natural exterior building materials such as stone, brick, decorative block, stucco, and wood. The appearance of the buildings will be in substantial conformity with the existing Pheasant Ridge Condominiums and provide underground parking. This shall not preclude the use of other building construction materials when used as a particular component of the building system such as glassed atriums, skylights, entry canopies, standing-seam metal roofs, or other structural or mechanical systems incidental to the building use. Metal buildings, mobile or manufactured buildings, with the exception of temporary structures used as contractor's offices during construction, or other structures inconsistent with the above described selection of materials shall not be used in this development.

Attached as Exhibit "B" are the names, addresses and tax numbers of the owner or owners of all lots or property immediately adjacent to and immediately across a street or road from the subject property.

WHEREFORE, the Petitioner requests that the above-described amended proffers be approved as herein set out in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this 17th day of April 2006.

Respectfully submitted,

By:

Hunter D. Smith Vice Manager

Pheasant Ridge Real Estate Holdings, LLC 4415 Pheasant Ridge Road SW - Suite 301 Roanoke, Virginia 24014 540/772-5090

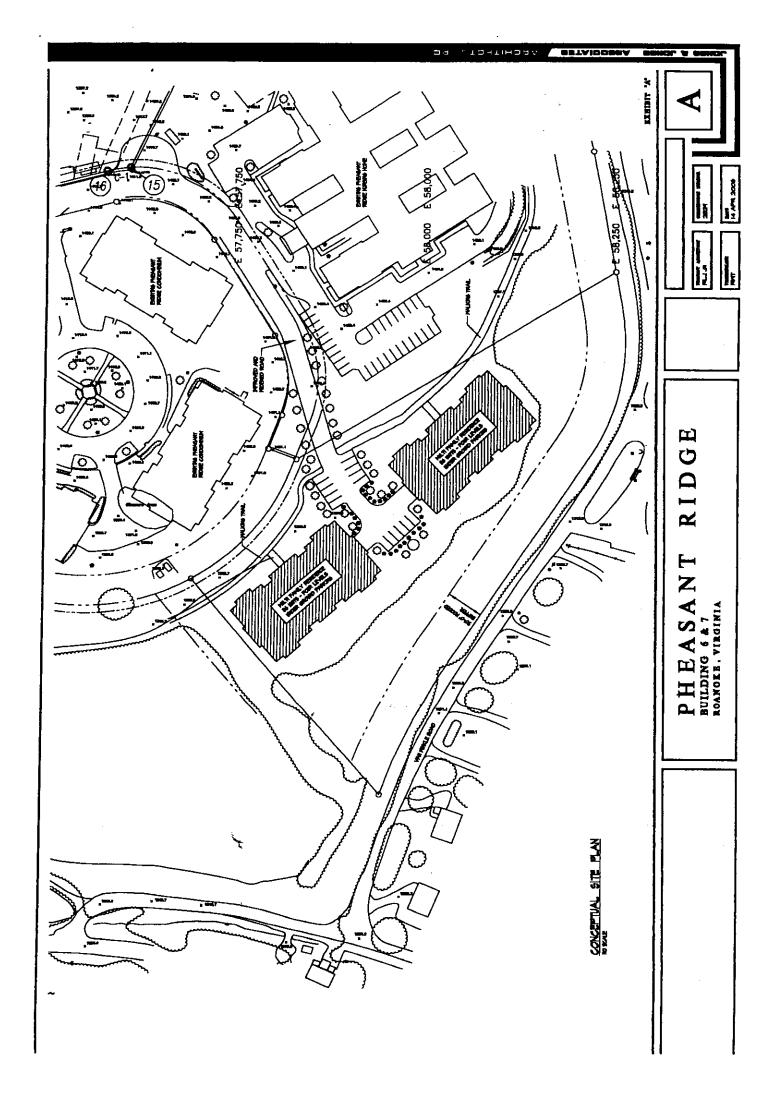


Exhibit B

NAMES, ADDRESSES AND TAX NUMBERS OF OWNERS OF PROPERTY ADJACENT OR DIRECTLY OPPOSITE OF #5460129

5460105 Mildred H. Young 4582 Van Winkle Road, SW Roanoke, VA 24014

5460111 Kathy D. Adkins 4608 Van Winkle Road, SW Roanoke, VA 24014

5460112 Donald W. Fitzgerald 4602 Van Winkle Road, SW Roanoke, VA 24014

5460102 Bowman Associates, LLC POB 21801 Roanoke, VA 24018

5460125 Pheasant Ridge Condominiums, LLC 4415 Pheasant Ridge Road, SW Roanoke, VA 24014

5460123 HCP Virginia, Inc. 3760 Kilroy Airport Way, Ste. 300 Long Beach, CA 90806

5460101 Madison Health Care Center, LLC c/o Tandem Regional Management 4419 Pheasant Ridge Road, #200 Roanoke, VA 24014



Prepared by: LeClair Ryan Flippin Densmore 10 South Jefferson Street, Suite 1800 Roanoke, Virginia 24011

Tax Map Nos. 5380115 and 5460129

Exemption Claimed: This Deed of Correction is exempt from recording taxes under Section 58.1-810(2) of the Virginia Code of 1950, as amended.

DEED OF CORRECTION

THIS DEED OF CORRECTION is made this 31st day of January, 2006, by

<u>JAMES R. SMITH</u>, herein referred to as Grantor, and <u>PHEASANT RIDGE LAND</u>

<u>INVESTORS, LLC</u>, a Virginia limited liability company, herein referred to as "Grantee," and provides as follows:

RECITALS:

WHEREAS, by Deed dated December 30, 2005 (the "Deed"), and recorded in the Office of the Clerk of the Circuit Court for the City of Roanoke, Virginia (the "Clerk's Office") as Instrument Number 050021656, the Grantor conveyed real property located in the City of Roanoke, Virginia (the "Property") to the Grantee;

WHEREAS, the parties wish to correct the Deed to reflect proper tax map number of Parcel 2 which is 5460129;

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor does hereby grant, release, quitclaim and convey unto the

Grantee, all that certain tract and parcel of land situate, lying and being in the City of Roanoke, Virginia, and more particularly described as follows:

PLEASE SEE SCHEDULE A ATTACHED HERETO

Without reimposing any of the reservations, restrictions, conditions and easements affecting the Property, this conveyance is subject to all of them.

THIS DEED WAS PREPARED WITHOUT THE BENEFIT OF A TITLE EXAMINATION BY THE PREPARER

WITNESS the following signature and seal:

	By(SEAL) James R Smith
COMMONWEALTH OF VIRGINIA	
CITY OF ROANOKE) to-wit:
The foregoing deed was acknowl in my jurisdiction aforesaid, this <u>27</u>	ledged before me, the undersigned Notary Public day of February, 2006, by James R. Smith.
	Donne D Proctor Notary Public
My commission expires:	
10 21 09	

SCHEDULE A

Parcel 1 - Tax Map No. 5380115

BEING 0.096 acres, Pine Grove, Old Rocky Mount Road and being Roanoke City Tax Parcel No. 5380115.

AND BEING the same property conveyed to Pheasant Ridge Health Investors, LLC, a Virginia limited liability company, by deed dated November 10, 2000, and recorded on November 14, 2000, in the Clerk's Office of the Circuit Court for the City of Roanoke, Virginia as Instrument No. 000014976.

Parcel 2 - Tax Map No. 5460129

BEING New Lot 7 containing 4.072 acres according to the Plat of Survey prepared by Cornerstone Land Surveying, Inc., and recorded in the aforesaid Clerk's Office in Map Book 1, pages 1718-1719.

Being a portion of the same property conveyed to Pheasant Ridge Health Investors, LLC (formerly Madison Health Care Center, L.C.), a Virginia limited liability company, by deed dated September 26, 1996, and recorded October 9, 1996, in the aforesaid Clerk's Office in Deed Book 1775, page 486.

Grantees' Address:

4415 Pheasant Ridge Road, Suite 305A Roanoke, Virginia 24014



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, by amending the conditions presently binding upon certain property conditionally zoned MX, Mixed Use District, with conditions; and dispensing with the second reading by title of this ordinance.

WHEREAS, Pheasant Ridge Land Investors, LLC, has made application to the Council of the City of Roanoke, Virginia ("City Council"), to amend certain conditions presently binding upon a tract of land on Pheasant Ridge Road, S.W., bearing Official Tax No. 5460129, which property is zoned MX, Mixed Use District, with proffers, such proffers being accepted by City Council with the adoption of Ordinance No. 32815-020596, on February 5, 1996;

WHEREAS, Pheasant Ridge Land Investors, LLC, seeks to amend proffers currently binding on the subject property zoned MX, Mixed Use District, with proffers, with such new proffers as set forth in the Second Amended Petition to Amend Proffered Conditions filed in the City Clerk's Office on April 18, 2006;

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §36.2-540, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council;

WHEREAS, a public hearing was held by City Council on such application at its meeting on May 15, 2006, after due and timely notice thereof as required by §36.2-540, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed amendment; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, finds that the public necessity, convenience, general welfare and good zoning practice, require the amendment of the proffers applicable to the subject property, and is of the opinion that the conditions now binding upon a tract of land containing 4.0862 acres located on Pheasant Ridge Road, S.W., being designated as Official Tax No. 5460129, should be amended as requested, and that such property be zoned MX, Mixed Use District, with proffers, as set forth in the Second Amended Petition to Amend Proffered Conditions filed in the City Clerk's Office on April 18, 2006.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, be amended to reflect the proffered conditions as set forth in the Second Amended Petition to Amend Proffered Conditions filed in the City Clerk's Office on April 18, 2006, so that the subject property is zoned MX, Mixed Use District, with such proffers.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 City Web: www.roanokeva.gov

May 15, 2006

Honorable C. Nelson Harris, Mayor Honorable, Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable, Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Subject: Tax Exemption Request from Commonwealth Coach and Trolley Museum, Inc.

Dear Mayor Harris and Members of City Council:

Background:

The Commonwealth Coach and Trolley Museum, Inc., located at 602 18th Street, SW, Roanoke, provides transportation for non-profits throughout the Roanoke Valley, serving approximately 6,000 – 8,000 citizens annually. The Museum owns 4 active buses and requests that these be exempt from personal property taxation. Annual taxes due for fiscal year 2005-2006 for these 4 buses are \$54.17 on an assessed value of \$1.570.

Considerations:

On May 19, 2003, City Council approved a revised policy and procedure in connection with requests from non-profit organizations for tax exemption of certain property in the City by Resolution 36331-051903, with an effective date of January 1, 2003. The Commonwealth Coach and Trolley Museum, Inc. has provided the necessary information required prior to April 15, 2006, the deadline for applications for exemptions that would take effect July 1, 2006.

According to the Office of the Commissioner of the Revenue, the loss of revenue to the City will be \$54.17 in annual personal property taxes.

Honorable Mayor and Members of Council May 15, 2006 Page 2

Commissioner of the Revenue, Sherman Holland, has determined the organization is currently not exempt from paying personal property taxes on the 4 buses by classification or designation under the Code of Virginia. The IRS recognizes it as a 501(c) 3 tax-exempt organization.

Notification of a public hearing to be held May 15, 2006, was duly advertised in the Roanoke Times.

Recommended Action:

Authorize Commonwealth Coach and Trolley Museum, Inc. exemption from personal property taxation pursuant to Article X, Section 6 (a) 6 of the Constitution of Virginia, effective July 1, 2006.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB/vst

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Honorable Sherman A. Holland, Commissioner of the Revenue
Honorable Evelyn W. Powers, City Treasurer
Susan S. Lower, Director of Real Estate Valuation
R. Brian Townsend, Director of Planning, Building, and Economic
Development
Sherman M. Stovall, Director of Management and Budget

CM06-00071

ATTACHMENT B PERSONAL PROPERTY COMMONWEALTH COACH AND TROLLEY MUSUEM, INC. April 11, 2006

1982 GMC 1GOYT76JOCV820022 DONATED BY THE CITY OF CHARLOTTESVILLE

1987 FLXIBLE 1GF5AAHK6HD098084 DONATED BY THE TOWN OF BLACKSBURG

1990 FLXIBLE 1GF5DBFK9LD101939 DONATED BY GREATER RICHMOND TRANSIT

1991 GILLIG 15GCBO912M1084298 DONATED BY GREATER ROANOKE TRANSIT



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE exempting from personal property taxation certain personal property located in the City of Roanoke and owned by the Commonwealth Coach and Trolley Museum, Inc., an organization devoted exclusively to charitable or benevolent purposes on a non-profit basis; providing for an effective date; and dispensing with the second reading by title of this ordinance.

WHEREAS, Commonwealth Coach and Trolley Museum, Inc., (hereinafter "the Applicant"), has petitioned this Council to exempt certain personal property of the Applicant from taxation pursuant to Article X, Section 6(6) of the Constitution of Virginia;

WHEREAS, a public hearing at which all citizens had an opportunity to be heard with respect to the Applicant's petition was held by Council on May 15, 2006;

WHEREAS, the provisions of subsection B of Section 58.1-3651, Code of Virginia (1950), as amended, have been examined and considered by the Council; and

WHEREAS, the Applicant agrees that the personal property to be exempt from taxation is certain personal property, including buses, trolleys and automobiles, which shall be used by the Applicant exclusively for charitable purposes on a non-profit basis.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Council classifies and designates Commonwealth Coach and Trolley Museum, Inc., as a charitable organization within the context of Section 6(6) of Article X of the Constitution of Virginia, and hereby exempts from personal property taxation certain personal property, including buses, trolleys and automobiles, owned by the Applicant, which property is used exclusively for charitable purposes on a non-profit basis; continuance of this exemption shall be contingent on the continued use of the personal property in accordance with the purposes K:\Measures\Tax Exempt PP Commonwealth Coach and Trolley Museum 4-06.doc

which the Applicant has designated in this Ordinance.

- 2. This Ordinance shall be in full force and effect on July 1, 2006.
- 3. The City Clerk is directed to forward an attested copy of this Ordinance, to the Commissioner of the Revenue the City Treasurer, and to Beverly T. Fitzpatrick, Jr., President of Commonwealth Coach and Trolley Museum, Inc.
- 4. Pursuant to Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 City Web: www.roanokeva.gov

May 15, 2006

Honorable C. Nelson Harris, Mayor Honorable, Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable, Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Subject: Tax Exemption Request from Norfolk and Western Historical Society, Inc.

Dear Mayor Harris and Members of City Council:

Background:

The Norfolk and Western Historical Society, Inc. owns the property known as Tax Map #1311225, located at 2101 Salem Avenue, SW, Roanoke. The primary purpose of the Norfolk & Western Historical Society is to preserve the records and drawings of the Norfolk and Western Railway. The mission of the Society is to preserve history and memories of the N&W and Virginia Railways, both of which were important contributors to the economy of the Roanoke area. Annual taxes due for Fiscal Year 2005-2006 on the parcel noted above are \$2,049.74 on an assessed value of \$169,400.

Considerations:

On May 19, 2003, City Council approved a revised policy and procedure in connection with requests from non-profit organizations for tax exemption of certain property in the City by Resolution 36331-051903, with an effective date of January 1, 2003. The Norfolk and Western Historical Society, Inc. has provided the necessary information required prior to April 15, 2006, the deadline for applications for exemptions that would take effect July 1, 2006.

According to the Office of the Commissioner of the Revenue, the loss of revenue to the City will be \$1,639.80 annually after a twenty percent service

Honorable Mayor and Members of Council May 15, 2006 Page 2

charge is levied by the City in lieu of real estate taxes. This service charge will be \$409.94.

Commissioner of the Revenue, Sherman Holland, has determined the organization is currently not exempt from paying real estate taxes on the property known as Tax Map # 1311225 by classification or designation under the Code of Virginia. The IRS recognizes it as a 501(c) 3 tax-exempt organization.

Notification of a public hearing to be held May 15, 2006, was duly advertised in the Roanoke Times.

Recommended Action:

Authorize The Norfolk and Western Historical Society, Inc. exemption from real estate property taxation pursuant to Article X, Section 6 (a) 6 of the Constitution of Virginia, effective July 1, 2006, for the property known as Tax Map #1311225, located at 2101 Salem Avenue, SW, Roanoke, if the organization agrees to pay the subject service charge by that date.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB/vst

Attachment

C: Mary F. Parker, City Clerk
 William M. Hackworth, City Attorney
 Jesse A. Hall, Director of Finance
 Honorable Sherman A. Holland, Commissioner of the Revenue
 Honorable Evelyn W. Powers, City Treasurer
 Susan S. Lower, Director of Real Estate Valuation
 R. Brian Townsend, Director of Planning, Building, and Economic Development
 Sherman M. Stovall, Director of Management and Budget



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE exempting from real estate property taxation certain property located in the City of Roanoke of Norfolk and Western Historical Society, Inc., an organization devoted exclusively to charitable or benevolent purposes on a non-profit basis; providing for an effective date; and dispensing with the second reading by title of this ordinance.

WHEREAS, Norfolk and Western Historical Society, Inc., (hereinafter "the Applicant"), has petitioned this Council to exempt certain real property of the Applicant from taxation pursuant to Article X, Section 6(a)(6) of the Constitution of Virginia;

WHEREAS, a public hearing at which all citizens had an opportunity to be heard with respect to the Applicant's petition was held by Council on May 15, 2006;

WHEREAS, the provisions of subsection B of Section 58.1-3651, Code of Virginia (1950), as amended, have been examined and considered by the Council;

WHEREAS, the Applicant agrees that the real property to be exempt from taxation is certain real estate, including the land and any building located thereon, identified by Roanoke City Tax Map No. 1311225, commonly known as 2101 Salem Avenue, S.W., (the "Property"), and owned by the Applicant, shall be used by the Applicant exclusively for charitable or benevolent purposes on a non-profit basis; and

WHEREAS, in consideration of Council's adoption of this Ordinance, the Applicant has voluntarily agreed to pay each year a service charge in an amount equal to twenty percent (20%) of the City of Roanoke's real estate tax levy, which would be applicable to the Property were the Property not exempt from such taxation, for so long as the Property is exempted from such taxation;

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Council classifies and designates Norfolk and Western Historical Society, Inc., as

a charitable or benevolent organization within the context of Section 6(a)(6) of Article X of the

Constitution of Virginia, and hereby exempts from real estate taxation certain real estate,

including the land and any building located thereon, identified by Roanoke City Tax Map No.

1311225, commonly known as 2101 Salem Avenue, S.W., and owned by the Applicant, which

property is used exclusively for charitable or benevolent purposes on a non-profit basis;

continuance of this exemption shall be contingent on the continued use of the property in

accordance with the purposes which the Applicant has designated in this Ordinance.

2. In consideration of Council's adoption of this Ordinance, the Applicant agrees to

pay to the City of Roanoke on or before October 5 of each year a service charge in an amount

equal to twenty (20%) percent of the City of Roanoke's real estate tax levy which would be

applicable to the Property, were the Property not exempt from such taxation, for so long as the

Property is exempted from such taxation.

3. This Ordinance shall be in full force and effect on July 1, 2006, if by such time a

copy, duly executed by an authorized officer of the Applicant, has been filed with the City Clerk.

4. The City Clerk is directed to forward an attested copy of this Ordinance, after it is

properly executed by the Applicant, to the Commissioner of the Revenue and the City Treasurer

for purposes of assessment and collection, respectively, of the service charge established by this

Ordinance, and to Bill McClung, President of Norfolk and Western Historical Society, Inc.

5. Pursuant to Section 12 of the City Charter, the second reading of this ordinance

by title is hereby dispensed with.

ATTEST:

City Clerk.

ACCEPTED,	AGREED	TO	AND	EXECUTED	by	Norfolk	and	Western	Historical
Society, Inc., this	_ day of	<u> </u>		, 2006.					
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(SEAL)				ByBill McCl	lung	, Presider	nt		



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 City Web: www.roanokeva.gov

May 15, 2006

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of Council:

Subject: Public Hearing to Consider Sale of

City Owned Property

Background:

The City of Roanoke currently owns property located on Wells Avenue, NW, identified as tax map numbers 2012715, 2012716 and 2012717. Gibson, Ted W. Gibson and Jacquot Corporation, the adjacent property owners have contacted the City regarding the purchase of this property. In correspondence dated March 29, 2006, the above property owners request to purchase these parcels by quitclaim deed. These parcels are currently assessed at \$45,600, \$25,800 and \$3,800 respectively. These figures are based on the former zoning regulations, which zoned the parcels as being in the C-3 downtown district. Under the current zoning regulations, these parcels are zoned residential and the assessed values will be significantly lower. At this time, the proposed estimates for the new assessments of the parcels are \$5,200.00, \$1,900.00 and \$600.00 respectively. Although the Department of Real Estate Valuation has not officially assessed these parcels at the new lower estimates, the adjacent property owners have offered to purchase these parcels for a total purchase price of \$6,400.00. The proposed new assessment will total \$7,700 if each parcel is sold individually but since none are developable on their own the adjacent property owner has offered \$6,400.00 for the three parcels and staff believes this is a reasonable value. It has been determined that there is no benefit for the City to continue ownership of these parcels.

Recommended Action:

Following a public hearing on the disposition of property, authorize the City Manager to execute the appropriate documents to convey the property to Trent C. Gibson, Ted W. Gibson and Jacquot Corporation for the consideration of \$6,400.00, such documents to be on form approved by the City Attorney.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:lpp

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Brian Townsend, Director of Planning, Building and Economic
Development
Lisa Poindexter-Plaia, Economic Development Specialist

CM06-00089

Jacquot Corporation

119 Wells Ave. NW Roanoke, VA. 24016

March 29, 2006

Brian Townsend City of Roanoke Economic Development Division 111 Franklin Plaza, Suite 200 Roanoke, VA. 24011

Mr. Townsend:

I am very pleased to be writing this letter regarding the 3 parcels that are adjacent to our property on Wells Avenue. We have been interested in working a deal with the City of Roanoke for almost a year, and it has been great to receive so much help from you. It is mutually beneficial for us to work together on this first deal, and there may be more to come in the near future. We are conscious of Roanoke's community vision, and I hope the improvements we have done to our house proves that we only have good intentions for Roanoke and the Gainsboro area.

After speaking with you today, we would like to purchase the following parcels for their appraised values.

2012715 @ \$5200.00 2012716 @ \$600.00 2012717 @ \$600.00

We will handle all closing costs associated with the sale, and we can close as soon as we receive a clear title. It normally takes 4 or 5 business days to get a title search, and we would like to sign a quitclaim deed following clearance. All funds will be paid by a cashier's check at the time of closing.

If these terms meet with your approval or should you have any questions, please let me know. I look forward to hearing from you soon.

Best regards.

Trent Gibson (706) 202 - 4053



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to execute the necessary documents providing for the conveyance of Official Tax Map Nos. 2012715, 2012716 and 2012717 containing 0.1103 acre, 0.0640 acre and 0.0640 acre, respectively, located at the intersection of Wells Avenue, N.W. and Gainsboro Road, N.W., to Trent C. Gibson, Ted W. Gibson and Jacquot Corporation, upon certain terms and conditions; and dispensing with the second reading of this ordinance.

WHEREAS, a public hearing was held on May 15, 2006, pursuant to §§15.2-1800(B) and 15.2-1813, Code of Virginia (1950), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on said conveyance.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. The City Manager and the City Clerk are hereby authorized, for and on behalf of the City, to execute and attest, respectively, the necessary documents providing for the conveyance to Trent C. Gibson, Ted W. Gibson and Jacquot Corporation by a quitclaim deed of a 0.1103 acre parcel, a 0.0640 acre parcel and a 0.0640 acre parcel of City-owned property, being Official Tax Nos. 20121715, 2012716 and 2012717, respectively, located at the intersection of Wells Avenue, N.W. and Gainsboro Road, N.W. for the consideration of \$6,400.00, upon the terms and conditions set forth in the City Manager's letter to this Council dated May 15, 2006.

2. All documents necessary for this conveyance shall be in form approved by the City Attorney.

3. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.